

MONTANA LEGISLATIVE HISTORY

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Chapter 459 19 95

Bill H 195 S _____

Original bill & history ✓c

H. Committee on Fish & Game

Hearing Date(s) 1-26 ✓c

2-2 ✓c

_____c

_____c

Date Out _____c

S. Committee on Fish & Game

Hearing Date(s) 3-9 ✓c

3-16 ✓c

3-21 ✓c

_____c

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

	RETURNED TO HOUSE WITH AMENDMENTS		
3/31	2ND READING AMENDMENTS CONCURRED	93	0
4/03	3RD READING AMENDMENTS CONCURRED	90	6
4/05	SIGNED BY SPEAKER		
4/06	SIGNED BY PRESIDENT		
4/07	TRANSMITTED TO GOVERNOR		
4/12	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 363		
	EFFECTIVE DATE: 10/01/95		

HB 195 INTRODUCED BY SWANSON, ET AL.

IMPLEMENT CERTAIN RECOMMENDATIONS OF THE GOVERNOR'S
ADVISORY COUNCIL ON PRIVATE LAND/PUBLIC WILDLIFE
BY REQUEST OF THE GOVERNOR

1/14	INTRODUCED		
1/14	FIRST READING		
1/14	REFERRED TO FISH & GAME		
1/16	FISCAL NOTE REQUESTED		
1/23	FISCAL NOTE RECEIVED		
1/25	FISCAL NOTE PRINTED		
1/26	HEARING		
2/04	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/08	2ND READING PASSED AS AMENDED	80	17
2/10	3RD READING PASSED	88	11
	TRANSMITTED TO SENATE		
2/20	FIRST READING		
2/20	REFERRED TO FISH & GAME		
3/09	HEARING		
3/22	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/28	2ND READING CONCURRED	45	4
3/29	3RD READING CONCURRED	39	8
	RETURNED TO HOUSE WITH AMENDMENTS		
4/04	2ND READING AMENDMENTS CONCURRED	63	36
4/05	3RD READING AMENDMENTS CONCURRED	68	31
4/07	SIGNED BY SPEAKER		
4/08	SIGNED BY PRESIDENT		
4/11	TRANSMITTED TO GOVERNOR		
4/14	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 459		
	EFFECTIVE DATE: 04/14/95—SECTIONS 11-17		
	EFFECTIVE DATE: 10/01/95—SECTIONS 1-4, 10 & 18		
	EFFECTIVE DATE: 03/01/96—SECTIONS 5-9		

HB 196 INTRODUCED BY SWANSON, ET AL.

GENERALLY REVISE LAW RELATING TO OUTFITTERS AND GUIDES
BY REQUEST OF THE DEPARTMENT OF COMMERCE

1/14	INTRODUCED		
1/14	FIRST READING		
1/14	REFERRED TO FISH & GAME		
1/16	FISCAL NOTE REQUESTED		
1/21	FISCAL NOTE RECEIVED		
1/21	FISCAL NOTE PRINTED		
1/26	HEARING		
2/04	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/08	2ND READING PASSED AS AMENDED	55	45
2/10	3RD READING PASSED	63	37
	TRANSMITTED TO SENATE		
2/20	FIRST READING		

1
2 INTRODUCED BY Swanson House BILL NO. 195
3 BY REQUEST OF THE GOVERNOR
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING CERTAIN RECOMMENDATIONS OF THE
6 GOVERNOR'S ADVISORY COUNCIL ON PRIVATE LAND/PUBLIC WILDLIFE; CREATING PROGRAMS FOR
7 HUNTER MANAGEMENT AND HUNTING ACCESS ENHANCEMENT WITHIN THE BLOCK MANAGEMENT
8 PROGRAM; RESTRICTING THE LIABILITY OF LANDOWNERS WHO PARTICIPATE IN THE PROGRAMS;
9 PROVIDING A MORATORIUM ON THE ISSUANCE OF NEW LAND-BASED HUNTING OUTFITTER LICENSES;
10 REVISING THE CLASS B-11 RESIDENT SPONSOR LIMIT BY ALLOWING THE ISSUANCE OF ONLY 10
11 CERTIFICATES FOR EACH SPONSOR AND PROVIDING THAT ALL DEER HUNTING UNDER THE LICENSE
12 MUST BE CONDUCTED ON THE SPONSOR'S DEEDED LAND; REVISING REQUIREMENTS FOR LICENSEES
13 WHO USE AN OUTFITTER-RESERVED LICENSE; ALLOWING VARIABLE PRICING OF
14 OUTFITTER-SPONSORED CLASS B-10 AND CLASS B-11 LICENSES; AMENDING SECTIONS 87-1-201,
15 87-1-242, 87-2-505, 87-2-510, AND 87-2-511, MCA; AND PROVIDING EFFECTIVE DATES AND A
16 TERMINATION DATE."
17

18 WHEREAS, Montana has a cherished hunting heritage based on a deep knowledge of and respect
19 for wildlife and the land; and

20 WHEREAS, private landowners provide wildlife habitat and hunting opportunities, the hunting public
21 provides financial and political support for sound wildlife management, and the combined efforts of
22 landowners and the hunting public have sustained Montana's hunting and wildlife heritage; and

23 WHEREAS, landowner/outfitter/sportsperson relations have become increasingly strained over the
24 past several years, leading to increased polarization between the groups; and

25 WHEREAS, the 1993 Legislature addressed this problem through the passage of House Joint
26 Resolution No. 24, which requested the Governor, through the Department of Fish, Wildlife, and Parks, to
27 coordinate a sustained, ongoing, cooperative effort to address these issues by establishing statewide,
28 regional, and local groups to develop mutually satisfactory solutions that would preserve Montana's hunting
29 and wildlife heritage and encourage the continuance of a viable outfitting industry; and

30 WHEREAS, in response to that request, the Governor appointed the Advisory Council on Private

Land/Public Wildlife, consisting of representatives of the affected groups, to study the issues in anticipation of legislation that reflects the mutual interests of landowners, outfitters, and the sporting community; and

WHEREAS, after considering extensive input and advice from individual private citizens, local working groups, agencies, and nonprofit organizations involved in conservation, the Advisory Council by consensus developed recommendations for improving access to private lands and for providing tangible benefits for landowners who allow access to their lands for hunting; and

WHEREAS, the Advisory Council has made efforts to break new ground philosophically in designing its recommendations, requiring that all interested parties be willing to accept change in order to benefit everyone who has an interest in Montana's hunting and wildlife heritage; and

WHEREAS, the Advisory Council finds it appropriate to present the following recommendations to the Legislature in the spirit of a cooperative and positive effort to enhance relations between landowners, outfitters, and sportspersons.

STATEMENT OF INTENT

A statement of intent is required for this bill because [sections 1 through 3] grant rulemaking authority to the department of fish, wildlife, and parks and the fish, wildlife, and parks commission to implement programs for hunter management and hunting access enhancement. It is intended that in addition to the statutory guidelines set out in those sections, any rules be adopted with the purpose of optimizing hunting opportunity and access while minimizing administrative costs in providing benefits to landowners who voluntarily participate in the programs. In addition, [section 6] grants rulemaking authority to the fish, wildlife, and parks commission to implement the provisions of variable pricing for Class B-10 and Class B-11 outfitter-sponsored licenses. It is intended that the fish, wildlife, and parks commission use its licensing authority to adjust the price of those licenses as necessary and that the additional revenue generated by variable pricing be used to fund the hunting access enhancement program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Hunter management and hunting access enhancement programs created -- private landowner assistance to promote public access -- rules. (1) The department may establish within the block management program established by administrative rule pursuant to authority

1 contained in 87-1-301 and 87-1-303 programs of landowner assistance that encourage public access to
2 private lands for purposes of hunting and may adopt rules to carry out program purposes. Rules may
3 address but are not limited to incentives provided under:

4 (a) a hunter management program as set out in [section 2], consisting of a cooperative agreement
5 between a landowner and the department and including other resource management agencies when
6 appropriate, that allows public hunting with certain restrictions or use rules; and

7 (b) a hunting access enhancement program as set out in [section 3], consisting of incentives for
8 private landowners who allow public hunting access on their lands.

9 (2) The department may also develop similar efforts outside the scope of the block management
10 program that are designed to promote public access to private lands for hunting purposes.

11 (3) Participation in a program established under subsection (1) is voluntary. Programs may not be
12 structured in a manner that provides assistance to a private landowner who charges a fee for access to
13 private land that is enrolled in the program or who does not provide reasonable public access to private land
14 that is enrolled in the program. The commission shall develop criteria by which tangible benefits are
15 allocated to participating landowners, and the department may distribute the benefits to participating
16 landowners. The department may by rule limit the number of licenses that can be provided as incentives.

17
18 **NEW SECTION. Section 2. Hunter management program -- benefits for providing hunting access**
19 **-- nonresident landowner limitation -- restriction on landowner liability.** (1) As provided in [section 1], the
20 department may establish a voluntary hunter management program to provide tangible benefits to private
21 landowners enrolled in the block management program who grant access to their land for public hunting.
22 The decision to enroll a landowner in the hunter management program is the responsibility of the
23 department. Benefits may be granted as provided in this section and by rule.

24 (2) As a benefit for enrolling property in the hunter management program, a resident landowner
25 who becomes a cooperator in the program and who agrees to provide public hunting access may receive
26 one Class AAA sportsman's license, without charge, if the landowner is the owner of record. The license
27 may be used for the full hunting or fishing season in any district where it is valid. The license may not be
28 transferred by gift or sale.

29 (3) As a benefit for enrolling property in the hunter management program, a nonresident landowner
30 who becomes a cooperator in the program and who agrees to provide public hunting access may receive

one Class B-10 nonresident big game combination license, without charge, if the landowner is the owner of record. The license may be used for the full hunting or fishing season in any district where it is valid. The license may not be transferred by gift or sale. The grant of a license under this subsection also qualifies the licensee to apply for a permit through the normal drawing process. The grant of a license under this subsection does not affect the quota of 11,500 established under 87-2-505.

(4) (a) A resident landowner who is enrolled in the block management program may receive the benefits provided under the hunter management program, as outlined in this section, and the benefits provided under the hunting access enhancement program, as outlined in [section 3].

(b) A nonresident landowner who chooses to receive a license under subsection (3) may also receive assistance under the block management program, but is not eligible to receive cash payments under [section 3].

(5) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1) applies to a landowner who participates in the hunter management program.

NEW SECTION. Section 3. Hunting access enhancement program -- benefits for providing hunting access -- cooperative agreement -- factors for determining benefits earned -- restriction on landowner liability. (1) As provided in [section 1], the department may establish and administer a voluntary program to enhance the block management program, to be known as the hunting access enhancement program. The program must be designed to provide tangible benefits to participating private landowners who grant access to their land for public hunting.

(2) Land is not eligible for inclusion in the hunting access enhancement program if outfitting or commercial hunting restricts public recreation or hunting opportunities.

(3) A contract for participation in the hunting access enhancement program is established through a cooperative agreement between the landowner and the department that will guarantee reasonable access for public hunting. Landowners may also form a voluntary association when development of a unified cooperative agreement is advantageous. A cooperative agreement must contain a detailed description of the plan developed by the landowner and the department and may include but is not limited to:

- (a) hunting access management;
- (b) services to be provided to the public;
- (c) ranch rules and other restrictions; and

1 (d) any other management information to be gathered, which must be made available to the public.

2 (4) If the department determines that the plan referred to in subsection (3) may adversely influence
3 game management decisions or wildlife habitat on public lands outside the block management area, then
4 other public land agencies, interested sportspersons, and affected landowners must be consulted. An
5 affected landowner's management goals and personal observations regarding game populations and habitat
6 use must be considered in developing the plan.

7 (5) The commission shall develop rules for determining tangible benefits to be provided to a
8 landowner for providing public access. Benefits will be provided to offset potential impacts associated with
9 public hunting access, including but not limited to those associated with weed control, fire protection,
10 liability insurance, roads, fences, and parking area maintenance. Factors used in determining benefits may
11 include but are not limited to:

12 (a) the number of days of public hunting provided by a participating landowner;

13 (b) wildlife habitat provided;

14 (c) resident game populations;

15 (d) number, sex, and species of animals taken; and

16 (e) access provided to adjacent public lands.

17 (6) Benefits earned by a landowner under this section may be applied in the following manner or
18 other manner allowed by rule:

19 (a) A landowner may direct weed control payments to be made directly to the county weed control
20 board or may elect to receive payments directly.

21 (b) A landowner may direct fire protection payments to be made to the local fire district or the
22 county where the landowner resides or may elect to receive payments directly.

23 (c) A landowner may receive direct payment to offset insurance costs incurred for allowing public
24 access.

25 (d) The department may provide assistance in the construction and maintenance of roads, gates,
26 and parking facilities and in the signing of property.

27 (7) The commission may provide a total of not more than \$8,000 a year to a landowner who
28 participates in the hunter management and hunting access enhancement programs, subject to the
29 conditions set out in [section 2(4)].

30 (8) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1)

1 applies to a landowner who participates in the hunting access enhancement program.

2

3 **Section 4.** Section 87-1-201, MCA, is amended to read:

4 **"87-1-201. Powers and duties.** (1) The department shall supervise all the wildlife, fish, game,
5 game and nongame birds, waterfowl, and the game and fur-bearing animals of the state and may implement
6 voluntary programs that encourage hunting access on private lands and that promote harmonious relations
7 between landowners and the hunting public. It possesses all powers necessary to fulfill the duties
8 prescribed by law and to bring actions in the proper courts of this state for the enforcement of the fish and
9 game laws and the rules adopted by the department.

10 (2) ~~It~~ The department shall enforce all the laws of the state respecting the protection, preservation,
11 and propagation of fish, game, fur-bearing animals, and game and nongame birds within the state.

12 (3) ~~It shall have~~ The department has the exclusive power to spend for the protection, preservation,
13 and propagation of fish, game, fur-bearing animals, and game and nongame birds all state funds collected
14 or acquired for that purpose, whether arising from state appropriation, licenses, fines, gifts, or otherwise.
15 Money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized
16 game or hides, from fines or damages collected for violations of the fish and game laws, or from
17 appropriations or received by the department from any other sources are appropriated to and under control
18 of the department.

19 (4) ~~It~~ The department may discharge any appointee or employee of the department for cause at
20 any time.

21 (5) ~~It~~ The department may dispose of all property owned by the state used for the protection,
22 preservation, and propagation of fish, game, fur-bearing animals, and game and nongame birds ~~which that~~
23 is of no further value or use to the state and shall turn over the proceeds from the sale to the state
24 treasurer to be credited to the fish and game account in the state special revenue fund.

25 (6) ~~It~~ The department may not issue permits to carry firearms within this state to anyone except
26 regularly appointed officers or wardens.

27 (7) The department is ~~hereby~~ authorized to make, promulgate, and enforce ~~such~~ reasonable rules
28 and regulations not inconsistent with the provisions of chapter 2 ~~as that~~ in its judgment will accomplish the
29 purpose of chapter 2.

30 (8) The department is authorized to promulgate rules relative to tagging, possession, or

1 transportation of bear within or without the state."

2
3 **Section 5.** Section 87-1-242, MCA, is amended to read:

4 **"87-1-242. (Temporary) Funding for wildlife habitat.** (1) The amount of money specified in this
5 subsection from the sale of each hunting license or permit listed must be used exclusively by the
6 commission to secure, develop, and maintain wildlife habitat, subject to appropriation by the legislature.

7 (a) Class B-10, nonresident combination, \$77;

8 (b) Nonresident antelope, \$20;

9 (c) Nonresident moose, \$20;

10 (d) Nonresident mountain goat, \$20;

11 (e) Nonresident mountain sheep, \$20;

12 (f) Class D-1, nonresident mountain lion, \$20;

13 (g) Nonresident black bear, \$20;

14 (h) ~~Wild turkey nonresident~~ Nonresident wild turkey, \$10;

15 (i) Class AAA, sportsman's, \$7;

16 (j) Class B-11 nonresident deer combination, \$200.

17 (2) Twenty percent of any increase ~~after March 1, 1988~~, in the fee for the Class B-7 license or any
18 license or permit listed in subsection (1), except outfitter-sponsored Class B-10 and Class B-11 licenses
19 subject to variable pricing under [section 6], must be allocated for use as provided in subsection (1).

20 (3) Eighty percent of the money allocated by this section, together with the interest and income
21 ~~therefrom~~ from the money, must be used to secure wildlife habitat pursuant to 87-1-209.

22 (4) ~~(a) Until March 1, 1991, 20% of the money allocated by this section must be credited to the~~
23 ~~account created by 87-1-601(5) for use in the manner prescribed therein for the development and~~
24 ~~maintenance of real property used for wildlife habitat.~~

25 ~~(b) On and after March 1, 1991, 20%~~ Twenty percent of the money allocated by this section must
26 be used as follows:

27 ~~(i)(a)~~ up to 50% a year may be used for development and maintenance of real property used for
28 wildlife habitat; and

29 ~~(iii)(b)~~ the remainder and any money not allocated for development and maintenance under
30 subsection ~~(4)(b)(i)~~ (4)(a) by the end of each odd-numbered fiscal year must be credited to the account

1 created by 87-1-601(5) for use in the manner prescribed ~~therein~~ for the development and maintenance of
2 real property used for wildlife habitat. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)"

3
4 **NEW SECTION. Section 6. Variable pricing of outfitter-sponsored Class B-10 and B-11**
5 **licenses.** The commission shall annually set fees for outfitter-sponsored Class B-10 and Class B-11 licenses
6 allowed under 87-2-505 and 87-2-510. The fees must be set at a market rate intended to sell not more
7 than an average of 5,500 Class B-10 licenses and 2,300 Class B-11 licenses each year, calculated over a
8 5-year period. The sale period for the licenses must be established so that by the last date in the
9 established period, those licenses that are unsold may be reallocated by the commission for a drawing at
10 a price set by the commission.

11
12 **NEW SECTION. Section 7. Report required.** The department shall report to the governor and to
13 each regular session of the legislature regarding the success of the hunter management program and the
14 hunting access enhancement program, including a report of annual landowner participation and the number
15 of acres annually enrolled in the programs. The report may also include suggestions for funding,
16 modification, or improvement of the programs.

17
18 **Section 8.** Section 87-2-505, MCA, is amended to read:

19 **"87-2-505. (Temporary) Class B-10--nonresident big game combination license.** Except as
20 otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12
21 years of age or older prior to September 15 of the season for which the license is issued may, upon
22 payment of the fee of ~~\$462 beginning March 1, 1992, and \$475 beginning March 1, 1994,~~ or upon
23 payment of the fee of ~~\$472 beginning March 1, 1992, and \$485 beginning March 1, 1994,~~ established as
24 provided in [section 6] if the license is one of the ~~5,600~~ licenses reserved pursuant to 87-2-511 for
25 applicants indicating their intent to use the services of a licensed outfitter and subject to the limitations
26 prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to
27 purchase a B-10 nonresident big game combination license ~~which shall entitle~~ that entitles the holder to all
28 the privileges of Class B, Class B-1, and Class B-7 licenses, and an elk tag. This license includes the
29 nonresident conservation license as prescribed in 87-2-202. Not more than ~~47,000~~ 11,500 unreserved
30 Class B-10 licenses may be sold in any ~~one~~ 1 license year. (Terminates March 1, 2006--secs. 1, 2, Ch.

241, L. 1993.)

87-2-505. (Effective March 1, 2006) Class B-10--nonresident big game combination license.

Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years of age or older prior to September 15 of the season for which the license is issued may, upon payment of the fee of \$398 or upon payment of the fee of ~~\$408~~ established as provided in [section 6] if the license is one of the ~~5,600~~ licenses reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination license ~~which shall entitle~~ that entitles the holder to all the privileges of Class B, Class B-1, and Class B-7 licenses, and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202. Not more than ~~17,000~~ 11,500 unreserved Class B-10 licenses may be sold in any ~~one~~ 1 license year."

Section 9. Section 87-2-510, MCA, is amended to read:

"87-2-510. Class B-11--nonresident deer combination license. (1) Except as otherwise provided

in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years of age or older prior to September 15 of the season for which the license is issued may, upon payment of a fee of \$220 or upon payment of the fee of ~~\$225~~ established as provided in [section 6] if the license is one of the ~~4,000~~ those reserved pursuant to 87-2-511 for applicants indicating their intent ~~either~~ to use the services of a licensed outfitter or upon payment of the fee of \$225 if the license is one of those reserved pursuant to 87-2-511 for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles the holder to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

(2) ~~Six thousand~~ Not more than 4,300 unreserved Class B-11 licenses ~~are authorized for sale each~~ may be sold in any 1 license year."

Section 10. Section 87-2-511, MCA, is amended to read:

"87-2-511. Sale and use of Class B-10 and Class B-11 licenses. (1) The department shall offer

1 the Class B-10 and Class B-11 licenses for sale on March 15, with ~~5,600~~ a number of the authorized Class
2 B-10 and Class B-11 licenses, as determined under [section 6], and 2,000 Class B-11 licenses reserved for
3 applicants indicating their intent to use the services of a licensed outfitter; and 2,000 of the authorized
4 Class B-11 licenses reserved for applicants indicating their intent to hunt with a resident sponsor on land
5 owned by that sponsor, as provided in subsections (2) and (3).

6 (2) Each application for a reserved license under subsection (1) must contain a written affirmation
7 that the applicant intends to hunt with a licensed outfitter or a resident sponsor and must indicate the name
8 of the licensed outfitter or resident sponsor with whom the applicant intends to hunt. In addition, the
9 application must be accompanied by a certificate that is signed by a licensed outfitter or resident sponsor
10 and ~~which that~~ affirms that the outfitter or resident will:

11 (a) direct the applicant's hunting and advise the applicant of game and trespass laws of the state;

12 (b) submit to the department, in a manner prescribed by the department, complete records of who
13 hunted with ~~him~~ the outfitter or resident, where they hunted, and what game was taken; and

14 (c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or
15 for providing any services or assistance to the nonresident applicant, except as provided in this title.

16 (3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that
17 the sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by the
18 sponsor. A resident sponsor of a Class B-11 license may submit no more than 10 certificates of
19 sponsorship in any license year.

20 (4) A nonresident who hunts under the authority of a resident landowner-sponsored license shall
21 conduct all deer hunting on the deeded lands of the sponsoring landowner.

22 (5) Any permits or tags secured as a result of obtaining a Class B-10 or Class B-11 license through
23 an outfitter sponsor are valid only when hunting is conducted with a licensed outfitter.

24 (6) The department shall make the reserved Class B-10 and Class B-11 licenses that remain unsold
25 ~~on April 15 available to nonresident applicants without restriction as to hunting with a licensed outfitter or~~
26 ~~resident sponsor~~ as provided in [section 6].

27 ~~(5)(7)~~ (7) All Class B-10 and Class B-11 licenses not reserved under subsection (1) ~~and all unsold~~
28 ~~reserved licenses available under subsection (4)~~ must be issued by a drawing among all applicants for the
29 respective unreserved licenses."
30

1 **NEW SECTION.** **Section 11. Moratorium on issuance of hunting outfitter licenses.** (1) The
2 legislature finds it necessary to protect the hunting resource, public health, public safety, and public
3 welfare. Therefore, the board shall establish and regulate a 5-year moratorium on the issuance of outfitter
4 licenses for land-based hunting activities. An outfitter licensed on [the effective date of this section] may
5 receive a renewal license, if qualified, but the total number of land-based hunting outfitter licenses issued
6 after [the effective date of this section] may not exceed the number in existence on [the effective date of
7 this section].

8 (2) An affected outfitter licensed on [the effective date of this section] may attempt to sell the
9 outfitting business, but approval of the buyer's license is conditioned on the buyer's ability to meet the
10 licensing criteria. The seller's license is to be considered in inactive status until the sale is final. If the sale
11 is not consummated, the seller's license must be reactivated and the buyer's conditional license revoked.

12
13 **NEW SECTION.** **Section 12. Codification instruction.** (1) [Sections 1 through 3, 6, and 7] are
14 intended to be codified as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87,
15 chapter 1, part 2, apply to [sections 1 through 3, 6, and 7].

16 (2) [Section 11] is intended to be codified as an integral part of Title 37, chapter 47, and the
17 provisions of Title 37, chapter 47, apply to [section 11].

18
19 **NEW SECTION.** **Section 13. Severability.** If a part of [this act] is invalid, all valid parts that are
20 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its
21 applications, the part remains in effect in all valid applications that are severable from the invalid
22 applications.

23
24 **NEW SECTION.** **Section 14. Saving clause.** [This act] does not affect rights and duties that
25 matured, penalties that were incurred, or proceedings that were begun before [the effective date of this
26 act].

27
28 **NEW SECTION.** **Section 15. Effective dates.** (1) [Sections 5 through 9] are effective March 1,
29 1996.

30 (2) [Sections 1 through 4, 10, and 16] are effective October 1, 1995.

1 (3) [Sections 11 through 14 and this section] are effective on passage and approval.

2

3 NEW SECTION. **Section 16. Termination.** [This act] terminates October 1, 2001.

4

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0195, as introduced

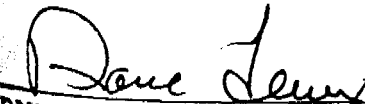
DESCRIPTION OF PROPOSED LEGISLATION:

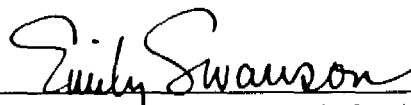
An act implementing certain recommendations of the Governor's Advisory Council on Private Land/Public Wildlife; creating programs for hunter management and hunting access enhancement within the Block Management Program; restricting the liability of landowners who participate in the programs; providing a moratorium on the issuance of new land-based hunting outfitter licenses; revising the class B-11 resident sponsor limit by allowing the issuance of only 10 certificates for each sponsor and providing that all deer hunting under the license must be conducted on the sponsor's deeded land; revising requirements for licensees who use an outfitter-reserved license; allowing variable pricing of outfitter-sponsored class B-10 and class B-11 licenses; and providing an effective dates and a termination date of October 1, 2001.

ASSUMPTIONS

1. The Fish, Wildlife and Parks Commission will work with landowners to establish criteria for program involvement and allocation of benefits in FY96.
2. Revenue to support the hunter management and hunting access enhancement programs within the Block Management Program will come from increases in non-resident B-10 and B-11 outfitter sponsored hunting licenses. Current prices are \$485 for B-10 licenses and \$250 B-11 licenses. It is anticipated that the commission may set the B-10 license fee at \$650 in FY96 and \$675 in FY97, and the B-11 at \$400 in FY96 and \$425 in FY97.
3. The hunter management and hunter access enhancement programs will become effective on October 1, 1995.
4. The enhancements to the Block Management Program will enable the Department of Fish, Wildlife and Parks to provide financial incentives to qualifying landowners to offset potential impacts associated with public hunting access such as weed control; fire protection; liability insurance; and road, fence, and parking area maintenance.
5. An estimated 244 landowners who are participating in the existing Block Management Program will also participate in the enhanced program and will be eligible for additional assistance and benefits averaging \$2,750 annually. Seventy five new landowners will enroll in the program in FY96 and 50 in FY97. Each will receive an assistance payment averaging \$4,000.
6. It has been acknowledged that the Fish, Wildlife and Parks Commission has objections to the Executive Budget recommendation to reduce personal services by 5% including the reduction of 11.00 FTE from the Department of Fish, Wildlife and Parks (FWP) 1997 biennial budget. FWP anticipates that they will be unable to absorb the administration of this enhanced program with existing staff, and have requested 4.00 FTE over the biennium in addition to \$112,500 of annual operating costs and \$1,171,000 in payments to landowner participants. Operating costs include: \$15,000 for local advisory groups, \$10,000 for a contract with MSU for wildlife extension specialist services, \$55,000 for FWP operations, and \$32,500 to contract for access inventory mapping services. The additional FTE would be 2.00 game wardens and 2.00 conservation specialists. Conservation specialists are seasonal positions that will assist landowners during the hunting season.

(continued on page 2)

 1-24-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


EMILY SWANSON, PRIMARY SPONSOR DATE

Fiscal Note for HB0195, as introduced

HB195

(continued)

FISCAL IMPACT:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
FTE	2.19	4.00
Personal Services	53,350	107,466
Operating Expenses	33,350	112,500
Participant Payments	<u>971,000</u>	<u>1,171,000</u>
Total	1,057,700	1,390,966
<u>Revenue:</u>		
B-10 Licenses (02)	907,500	1,045,000
B-11 Licenses (02)	<u>345,000</u>	<u>402,500</u>
Total	1,252,500	1,447,500
<u>Net Impact:</u>		
B-10 and B-11 Licenses (02)	194,800	56,534

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The intent of the legislation is: to improve landowner/sportsman relations, increase hunting access to private lands by providing incentives to private landowners, and to improve cooperation between the Department of Fish, Wildlife and Parks and private landowners in managing wildlife.

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH & GAME

Call to Order: By CHAIRMAN DOUG WAGNER, on January 26, 1995, at
3:00 p.m.

ROLL CALL

Members Present:

Rep. Douglas T. Wagner, Chairman (R)
Rep. William Rehbein, Jr., Vice Chairman (Majority) (R)
Rep. Emily Swanson, Vice Chairman (Minority) (D)
Rep. Charles R. Devaney (R)
Rep. Daniel C. Fuchs (R)
Rep. Marian W. Hanson (R)
Rep. Hal Harper (D)
Rep. Chase Hibbard (R)
Rep. Dick Knox (R)
Rep. Rod Marshall (R)
Rep. Brad Molnar (R)
Rep. Robert J. "Bob" Pavlovich (D)
Rep. Bob Raney (D)
Rep. Robert R. "Bob" Ream (D)
Rep. Paul Sliter (R)
Rep. Bill Tash (R)
Rep. Jack Wells (R)

Members Excused: Rep. Jim Elliott (D)

Members Absent: None.

Staff Present: Doug Sternberg, Legislative Council
Mary Riitano, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 195, HB 196
Executive Action: None.

{Tape: 1; Side: A; Approx. Counter: 000; Comments: N/A.}

HEARING ON HB 195

Opening Statements by Sponsor(s) and Private Land/Public Wildlife
Advisory Council Members:

REP. EMILY SWANSON, House District 30, Bozeman informed the committee that the bill was the result of a substantial amount of effort. Many people who helped form the bill were present to explain it. She explained that she was present as a proponent for Montana and believed in the traditions of private land, public wildlife, and ample hunting opportunities. Over the past two years, many people from the three groups of outfitters, private landowners, and sportsmen came to the consensus represented in the bill. She extended an invitation to join them in "making a gift to Montana" that was embodied in HB 195 and HB 196. REP. SWANSON stated that background would be given for the reasons the three groups came to this point, what brought them to dealing with the issue in this way, and solutions arrived at. She introduced REP. CHASE HIBBARD, co-sponsor of HB 195 and one of the authors of HJR 24, who would describe the reasons for them being there.

REP. HIBBARD remarked that being a member of the Fish & Game Committee during the 1993 legislature was an incredibly difficult experience for him. Diverse groups of people cared very much about wildlife resources, hunting, fishing, and Montana land. Many bills presented to the Fish & Game Committee during the 1993 legislature from the three groups of landowners, sportsmen, and outfitters were one-sided and unacceptable to the other groups. Comments from the each group would accuse, challenge, and protest the efforts of one group presenting legislation. A lobbyist summed up the general atmosphere as being "pie in your face." One group would appear with legislation and lob it at one of the other groups. To retaliate, they would come in and lob their legislation back. Several of the committee members began to notice and realized nothing was getting accomplished. On each piece of legislation voting yes or no were the only options. These were complex, philosophical, and emotional issues and it was difficult to deal with them in a black and white fashion. HJR 24 was designed out of these difficulties. It empowered the governor to set up a group that has worked diligently for the past 18 months. He felt it was a proud day to see the results of HJR 24. Each of the major players in these groups, landowners, sportspeople, and outfitters compromised. He believed that the results of this will be seen in Montana for years.

A seven minute video was shown by the Department of Fish, Wildlife and Parks (FWP) providing committee members and the public with additional background on the development of HB 195. Recommendations of the Private Land/Public Wildlife Advisory Council were addressed. Outfitters, landowners, and sportsmen were part of a governor-appointed council as well as

representatives from State Lands, Bureau of Land Management, U.S. Forest Service, and the Department of FWP. Governor Racicot outlined five goals for the council. The five goals were achieving optimum hunter access, protecting wildlife habitat, limiting impacts and inconveniences to landowners, encouraging the continuance of a viable hunting/outfitting industry, and providing additional tangible benefits to landowners who allow hunter access. Council meetings began in August 1993 and were open to the public. Several drafts for a proposal were made and included many recommendations. A few examples of the recommendations were tangible benefits to landowners as incentives to allow public hunting, an advanced hunter education program promoting a higher level of ethics and responsible behavior, and using a market-based system with nonresident licenses set aside for outfitter clients. The overall effort of the three groups worked toward consensus and balance.

REP. SWANSON handed out a graph which showed the three groups involved as well as recommended solutions. Landowners, sportsmen, and outfitters had serious grievances. The package of bills, HB 195 and HB 196, found a balance among each of the parties involved. She also handed out a summary of the major points in HB 195 and helped committee members review each section. **EXHIBIT 1 AND 2**

Nina Baucus, Chairperson, Governor's Private Lands/Public Wildlife Advisory Council, addressed the committee and handed in written testimony. She gave a detailed account of how HB 195 came about from the efforts of sportsmen, outfitters, and landowners. Special note was made that the recommendations did not come from the council or the governor. The recommendations came from the people of Montana. The council listened and melded together their suggestions and concerns. **Ms. Baucus** emphasized that the bill consisted of a fragile set of checks and balances. Changes to its structure could undermine everything the council accomplished. **EXHIBIT 3**

Steve Christensen, rancher and member of the council, testified in favor of the bill and provided additional information regarding HB 195. He submitted written testimony. His testimony involved landowners' concerns. The Montana Fish, Wildlife and Parks Commission was directed to develop rules for determining tangible benefits to be provided to a landowner for allowing public hunting access. Qualifying landowners may apply the benefits to general ranch maintenance and conservation efforts. Under HB 195, a landowner would be protected against liability for injuries occurring while a person was hunting. **EXHIBIT 4**

Kelly Flynn, outfitter and member of the council, strongly supported HB 195 and submitted written testimony. HB 195 provided considerations for the outfitting industry and resulted in a win-win situation for sportspeople and landowners. The bill allowed variable pricing of outfitter-reserved licenses to ensure that a booked client received a license. Another proposal found

in HB 195 lowers B-10 elk/deer combination licenses from 5,600 to 5,500 but increases B-11 deer combination licenses from 2,000 to 2,300. Additionally, HB 195 stated that all permits or tags secured as a result of obtaining a B-10 or B-11 license through an outfitter were only valid when hunting was conducted with a licensed outfitter. A final point covered by **Mr. Flynn** involved the proposed 5-year moratorium on the issuance of land-based hunting outfitter licenses. This would help the industry get a handle on the growth explosion that has occurred over the past few years. **EXHIBIT 5**

Verle L. Rademacher, landowner and member of the council, testified in favor of HB 195 and submitted written testimony. Additional benefits were worked out for private landowners and landowners in the Block Management and Hunting Enhancement Programs to provide more hunting opportunities for both residents and nonresidents. Those who enroll in these programs have the additional benefit of restrictions on liability of the landowner. Funding will be provided through the sale of the variable priced nonresident B-10 and B-11 licenses for outfitter sponsored hunters. **Mr. Rademacher** emphasized the point that the committee should be extremely careful altering the substance of the bill. It represented a delicate balance of compromise between the three groups. **EXHIBIT 6**

{Tape: 1; Side: B; Approx. Counter: 000; Comments: N/A.}

Kathy Hadley, hunter and member of the council, spoke in favor of HB 195 and handed in written testimony as well as nonresident combination license statistics. Over the last ten years, she has been troubled by the growing trend of reduced hunting opportunities in Montana. Most of the private land in her area was open 10 years ago. Today, most of the land was closed or leased to outfitters. Game populations have changed their patterns of behavior in response to the changing hunting pressure. Animals that once sought sanctuary deep in the woods now found sanctuary on closed private lands. Hunting experiences were declining in quality. Resentment has grown because hunting seems to be becoming a sport for the rich. HB 195 represents an opportunity to reverse this trend. **EXHIBIT 7**

Glenn Marx, policy director for Governor Marc Racicot, addressed the committee on behalf of the governor and presented written testimony. The governor watched the council struggle through each painful decision, each difficult issue, and each arduous task. He offered profound compliments and gratitude to **Nina Baucus**, chairperson, and each council member. The council's performance has produced a package of recommendations that resulted in HB 195, which the governor strongly supports. **Mr. Marx** emphasized that most everyone could find one thing or another to oppose or change, but this agreement was extremely fragile. It would be tragic for all people involved if the agreement unravelled. He encouraged passage of HB 195. **EXHIBIT**

Pat Graham, Director, Department of Fish, Wildlife and Parks, offered written testimony in support of the bill. The resulting gridlock from different bills introduced during the 1993 legislative session was addressed through HJR 24. HB 195 is the result of over 18 months of remarkable work on the part of a diverse group of citizens. This proposed legislation was the result of a consensus process. It addressed each group's concerns. Nobody obtained everything they wanted and everyone had to give something up. However, this legislation offered significant, positive progress in addressing the concerns of landowners, sportspeople, and outfitters. The department supported the major concepts in the bill. FWP also supported the idea of requiring progress reports to the governor at each regular session. **EXHIBIT 9**

SEN. JOHN HERTEL, Senate District 47, Moore, stated he understood HB 195 but more importantly comprehended all the work that went into it because he was a council member. He emphasized that HB 195 was not the result of ideas and thoughts of the council only, but also from people across the entire state. It was a complete package and he hoped that the committee would only consider it in this manner. Changing anything in the bill would result in other parts being unbalanced. **SEN. HERTEL** stressed that the state needed this bill to make a step in the right direction to solve an old, complex issue.

CHAIRMAN DOUG WAGNER announced that the Fish and Game Committee had been joined by the House Agriculture Committee members in the audience.

Proponents' Testimony:

Susan Reneau, writer and hunter, expressed her support of HB 195. She was impressed with the amount of work the council accomplished. In order to continue writing about hunting, she said people must have access to hunting land to continue hunting traditions. Support must be shown to outfitters and landowners.

Paul Roos, Montana Board of Outfitters, said they worked with the council to help create a cohesive solution to the problems between the outfitters, landowners, and sportspeople. He encouraged passage of HB 195 and submitted written testimony. **EXHIBIT 10**

David Major, President, Montana Wildlife Federation, commended the council for 18 months of intensive work on very contentious issues. He expressed their support of the bill. A key element of the council's recommendations was the variable-priced license for outfitted nonresident hunters. The Montana Wildlife Federation supported the addition of fully trained game wardens to help fulfill the mandates of HB 195. **Mr. Major** submitted written testimony as well as several statistic sheets on game wardens. **EXHIBITS 11 and 12**

Bob Lovgrove, President, Western Montana Fish and Game Association, complimented the council in its efforts to reach the compromises proposed in HB 195. An important accomplishment was getting landowners, outfitters, and sportspeople to stand united on an issue where previously they were divided. Everything must be done to further that objective. This legislation was an outstanding beginning and could serve as a national example of sportspeople, landowners, and outfitters working together.

John Bloomquist, Montana Stockgrowers Association, viewed HB 195 as a positive beginning. Antagonistic legislation has been presented by all three groups in the past. There has also been a great deal of litigation impeding their relationship. However, this was the beginning of a process that should be viewed as a prototype of handling disputes, particularly in this arena. Formal recognition was given to landowner's contributions to wildlife, the impact wildlife has on private landowners, and the concept of tangible benefits to landowners. The program was voluntary but provided another option for landowners in a win-win situation. Improvements in recordkeeping and the liability shield were critical in the success of these programs. Liability was a great concern of landowners. **Mr. Bloomquist** felt that **REP. SWANSON's** amendments were critical. They provided flexibility in the use of the landowner benefits and would be provided without creating another administrative and regulatory process. The addition of independent review is also critical. The review board should represent a broad spectrum of interests. He expressed concern over the funding of the program through variable priced licenses as well as future funding of the program through resident sportspeople contributions. Montana hunters will benefit from increased public access. Hopefully, a partnership will form with landowners. He urged passage of the bill with committee members continuing the process started by the Advisory Council.

Jim Bradford, President, Montana Bowhunters Association, expressed support for HB 195 and submitted written testimony. He stated the council was equally represented by landowners, sportspeople, and outfitters. To undermine any part of the recommendations would be wrong because it represented a delicate compromise between the three groups. **EXHIBIT 13**

Russell Hill, Montana Trial Lawyers Association (MTLA), said he was not in the habit of standing up to support bills which insulate anyone from accountability or liability, but MTLA rose in support of HB 195. MTLA expressed its grudging admiration of the drafters who dealt with the liability provisions in this bill. They carefully, thoroughly, and professionally designed the language and perhaps most importantly provided genuine, tangible, and affirmative benefits to Montana citizens.

Tony Schoonen, Skyline Sportsmen Association and State Lands Coalition, complimented the council on the work they accomplished under the leadership of **Nina Baucus**. He wanted to see an

additional four to six game wardens included along with the two conservation officers that **Pat Graham, FWP** recommended. Without proper law enforcement, it would be difficult to make this program work.

Bill Holdorf, Anaconda Sportsmen Association, declared the organization's support for the bill. The sunset clause would provide ample opportunity to see if the program will work. He agreed that there should be more game wardens. He spoke of an incident last summer when a game warden retired in Dillon. That area had only one game warden from the day he retired until the first day of hunting season. The department does not have a system for substitute game wardens if someone leaves. The last point he made was that this program is not funded through taxpayers' money.

Jack Rich, Montana Outfitters and Guides Association (MOGA), expressed their support of HB 195 with **REP. SWANSON's** amendments and presented written testimony. The support did not come easily. The MOGA debated the issues for many hours before agreeing to support this bill. The amendments were a cornerstone to their support. This legislation, together with HB 196, attempted to achieve a balance. It gave the outfitters a small increase in nonresident deer hunting licenses, a limit on hunting outfitter business licenses, and the ability to control expansion into new areas. The net effect would downsize professional hunting outfitters. Every outfitter will lose clients who are unable or unwilling to pay market price for their license. With this in mind, he asked the committee to support the amendment to reinstate 100 B-10 licenses. The licenses represent a conservative economic loss of \$750,000 to rural Montana. **EXHIBIT 14**

Roy Ereaux, Outfitter and Montana Outfitters and Guides Association, communicated his support of the bill and submitted written testimony. He talked about eastern Montana's variety of fish, birds, small and big game, as well as unbroken miles of prairie. In recent years, some of the residents have begun to feel the crunch of being caught between maintaining growing numbers of game and maintaining a viable livelihood. Outfitters were sympathetic to the concerns of landowners and were willing to compensate them while being accountable to their clients and other guides. Some outfitters felt that they have been a target for false perceptions and accusations which has added to the frustrations of Montana resident hunters. This, coupled with a growing awareness of landowners feeling overwhelmed and unappreciated, caused matters to deteriorate to the point they were at during the last legislature. As an outfitter, he did not see HB 195 as a final solution but a major step in the right direction. He urged the committee to consider the bill as it was presented and to pass it. **EXHIBIT 15**

Jean Johnson, Executive Director, Montana Outfitters and Guides Association expressed support for the bill and handed out written testimony and an amendment. HB 195 was not an outfitter relief bill, but they were also not losing everything either. Many outfitters will give up hunters who came as a new client years ago and have continued to return as a friend. Despite articles printed in the Billings Gazette, most outfitter clients were not "filthy rich." The majority of outfitter's clients were hard working Americans who saved money all year for a Montana hunt with an outfitter. HB 195 was not a final solution. Ms. Johnson proposed one amendment. She approached lobbyists and shared the MOGA's two proposed amendments. They dropped one and kept one. The Montana Wildlife Federation indicated they would not offer opposition. Thanks to Governor Racicot's sense of fair play and wisdom in selecting the members of this council, HB 195 emerged from the process and deserved a chance. She urged the committee to pass HB 195 **EXHIBIT 16 and 17**

{Tape: 2; Side: A; Approx. Counter: 000; Comments: Lost about 2 minutes at the end of Jean Johnson's presentation because the original 2nd tape got jammed in the machine.}

Bill Allan, Montana Legislative Audubon Fund, voiced their support of HB 195. Efforts strengthening the relationship between private landowners and the hunting public will benefit wildlife management throughout Montana.

L.F. Thomas, sportsman, urged the committee to pass HB 195.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. BOB RANEY stated that most of the concerns about HB 195 involved the outfitting license moratorium. No more licenses will be issued and their value may increase significantly. In five years when the moratorium ends, people owning outfitting licenses will protest because their outfitting licenses will lose their value. He asked REP. HIBBARD if he wanted to create another permanent quota system that may make outfitting licenses worth \$50,000. REP. HIBBARD did not believe it was the council's objective. He referred the question to REP. SWANSON. REP. SWANSON explained that a moratorium was included in the bill to allow the outfitting industry a period of time to stabilize and effectively use the variable price license system. The outfitting industry was growing rapidly in terms of hiring more guides and in terms of leasing increased amounts of private land. A moratorium would help stabilize the industry as well as keep hunting opportunities available for the sporting public. She explained that the outfitting industry was unlike most private businesses. The state limited outfitting clients by mandating the number of nonresident licenses that can be sold. If the

variable priced license system was successful, a moratorium would be unnecessary. **REP. SWANSON** remarked that if the committee felt the moratorium was unnecessary, it could be reconsidered since it was not critical to the legislation.

REP. BOB PAVLOVICH asked **REP. SWANSON** about amendments for HB 195. **REP. SWANSON** replied that there were amendments.

REP. PAVLOVICH asked **Pat Graham** if there was a way he could incorporate road access concerns from HB 59. **Mr. Graham** responded HB 195 should take care of those concerns.

REP. DICK KNOX commented that he was on the Fish & Game Committee last session. Some members felt they "wanted to wear hard hats because legislative bombs were lobbed back and forth." HB 195 was a quantum leap forward. One of his concerns during the last session was that there were little benefits for landowners who left their land open for public hunting. **REP. KNOX** commended the council for their efforts.

REP. KNOX referred to page 5, line 25-26, "The department may provide assistance in the construction and maintenance of roads, gates, and parking facilities and in the signing of property." He asked **REP. SWANSON** how the council envisioned this would be handled, whether it would be a cash contribution to the landowners or allowing use of FWP equipment. **REP. SWANSON** said lines 25-26 on page 5 referred to an option a landowner had using the money. No contribution from FWP was envisioned.

REP. BRAD MOLNAR believed Section 11, moratorium on issuance of hunting outfitter licenses, attempted to control the vertical growth of the outfitting industry, however, an outfitter could still expand horizontally if he leased more land. He asked **Kelly Flynn** to respond to his concern. **Mr. Flynn** said HB 195 addressed the vertical growth of outfitters. HB 196 addressed horizontal growth through provisions that help control it. **REP. MOLNAR** asked if there were provisions allowing controlled growth. **Mr. Flynn** replied the provisions in HB 196 would not allow a great increase in net client use and land base expansions would be reviewed for user conflicts. **REP. MOLNAR** asked for further clarification. **Mr. Flynn** said the land base could possibly increase. Requests for land base increases would be subject to a review process requiring public. **REP. MOLNAR** asked how the moratorium would be affected if HB 195 passed and HB 196 did not pass. **Mr. Flynn** replied the moratorium would be unaffected because it was included in HB 195. Provisions regarding horizontal growth of outfitting were addressed in HB 196. For this reason, HB 195 and HB 196 were considered companion bills. Both address recommendations made by the Public Wildlife/Private Lands Council.

REP. PAUL SLITER maintained that placing a moratorium on the number of outfitter licenses would invariably boost the price. He asked **Verle Radenmacher** if the legislature should be giving

outfitters the opportunity to greatly increase the value of their license and the ability to oppose others wanting to get a license. **Mr. Radenmacher** remarked that he was a businessman and owned his own business for 28 years. He acknowledged **REP. SLITER's** statements. During their deliberations with the council, it was clear that the outfitting board had to "get their act together" and work on the horizontal and vertical growth of the outfitting industry. A compromise solution was made for a five-year period. It placed responsibility on the outfitting board to strive to control the number of outfitting licenses issued.

REP. PAVLOVICH stated that **REP. HIBBARD** could address the question he asked **Mr. Graham**. **REP. HIBBARD** commented that an important issue had not been talked about and involved the whole process used in reaching consensus. One of the recommendations was to form local working groups. There were nine local working groups in the state that played an important role in the resulting bill. Given the positive work of the groups, the council recommended that the governor formally recognize each local working group and requested that they continue to exist for the purposes of facilitating communication, assisting program initiation, and developing pilot projects. If a local group continued meeting in **REP. PAVLOVICH's** area, his concern of shrinking public hunting access would be an excellent project for them to address.

REP. RANEY asked **REP. SWANSON** if during the period of the moratorium an outfitter wanted to quit his business, could the state of Montana sell that recovered license to whomever they choose. **REP. SWANSON** replied the idea was discussed, but it was determined that it was not a good idea. She emphasized that the moratorium was not a cap on sales; it was a cap on the net increase in the number of outfitting licenses. If an outfitter wanted to sell their license, they could do that. There would not be any more licenses than there is currently. **REP. RANEY** said that was his point. If an outfitter wanted to sell his license and there were 50 people wanting to start outfitting businesses, he would encounter 50 people bidding on his license. **REP. SWANSON** stated that possibility exists. However, variable priced licenses would offset some of the demand for outfitter licenses. As the price of outfitting licenses increases, the need for more outfitters would decrease. A prospective outfitter will need to review a market study to ensure he could operate a viable business. If there was not a thriving market, the prospect may not look attractive. It was presumably a self-controlling system. **REP. RANEY** disagreed. He opened a retail business in Livingston. In the last six years, 11 other businesses similar to his opened in the community. He remarked that he would have liked to have had a moratorium so they could not open their businesses. **REP. SWANSON** said the key difference was that he does not have limited clientele. It was not mandated that only 5,000 people could go to Livingston. However, that was the outfitters situation. There will only be 5,500 clients for

the B-10 licenses, and there will only be 2,300 clients for outfitters in the B-11 licenses.

REP. MOLNAR stated that the Montana Board of Outfitters presented an amendment to return to the 5,600 licenses for the elk combination license. In HB 195 there was an increase of 300 deer combination licenses. **REP. MOLNAR** said that in fairness to the balances made in HB 195, if the elk combination license was returned to 5,600, then the deer license should be reduced back to 2,000. He asked **Ms. Johnson** if she would agree to this change. **Jean Johnson** explained that their amendment returned the elk combination license to 5,600 which was granted by the 1987 legislature. The council recommended the additional 300 deer licenses. The outfitting community believed that if they lost any part of the 5,600 licenses and the proposed program in HB 195 unravelled, outfitters would never get them restored. Returning to the 5,600 licenses provided the incentive to the outfitting industry to sacrifice clients that they have had for years for the variable priced license. She would not favor an amendment that would decrease the 300 deer licenses. There were plenty of deer to support 2,300 licenses. **REP. MOLNAR** stated there may be plenty of deer to support those licenses but wondered if there was public support for the additional 300 outfitter guided licenses which could potentially lead to an increase in the number of leased acres. This occurrence could unravel the agreement in HB 195. If it unravelled, the legislature probably could not get the 2,300 reversed any more than the outfitters could get the 5,600 restored.

In the spirit of compromise, **REP. MOLNAR** offered to move an amendment to return to 5,600 if she would endorse the reduction of the 300 additional deer licenses. **Ms. Johnson** remarked that as a lobbyist for the outfitters, she could agree or disagree. MOGA needed to make that decision. She gave an analogy of a three-legged stool. When the legislative body gave outfitters 2,000 deer licenses, they did not limit the number of people who could apply for them. Hence, the outfitting industry grew to accommodate a set assigned pool of licenses. Two stool legs continued to grow and now 2,000 licenses were not sufficient for eastern Montana outfitters. She could not offer support to **REP. MOLNAR's** suggestion until she conferred with her people. Those outfitters were "hurting badly." Their success rate in 1994 was 73%. She understood that everyone was striving for a balance and felt she must have failed in her testimony to emphasize that the outfitting industry was making sacrifices. It was not a tangible piece of paper. Outfitters were giving up clients; 1,500 were booked in 1994 that the outfitters could not provide for. **REP. MOLNAR** asked **Ms. Johnson** to discuss the idea with her people because the issue was a "bone of contention" with him. As she would have trouble returning to her people with a decrease, he would have trouble returning to his district reporting that there will be 300 additional non-resident outfitters in eastern Montana. He reminded **Ms. Johnson** that outfitters did not currently have 2,300 deer licenses, they have 2,000. He would

consider supporting her amendment if she was willing to accommodate his people. **Ms. Johnson** informed the committee that the PL/PW lands council wanted to add 500 licenses. There were a few people on the council who were not comfortable with 500 and compromised at 300. The council was very supportive of the 300 additional licenses. She stressed that the number of outfitters was not going to increase as a result. HB 196 handled the horizontal outfitter growth to ensure that 300 new outfitters would not begin a business. The 300 additional licenses provide jobs for Montana citizens and allow them to have a viable business. Eastern Montanan outfitters can no longer survive on 2,000 deer licenses. She agreed to carry **REP. MOLNAR's** message to the Board of Outfitters.

REP. HIBBARD restated **Ms. Johnson's** apprehension of what would happen if the agreement in HB 195 unravelled. The outfitters would be left with the 5,500 elk combination licenses set forth in the bill. He asked **Ms. Johnson** if that was correct. **Ms. Johnson** said that was true. **REP. HIBBARD** asked **Doug Sternberg, Legislative Council** to clarify the results in the event the agreement unravelled. **Mr. Sternberg** explained the entire act was scheduled to terminate October 2000. At that point, the law as it presently read would be reinstated. When these sections were codified, it will be indicated that they are temporary. When the termination date was reached, those sections would drop off and those sections of law that were in effect before these sections went into place would be reinstated. **REP. HIBBARD** asked **Ms. Johnson** if that addressed her concern. **Ms. Johnson** said that it did address her concerns and she would relay that message. When the legislature mandated the 5,600 licenses, they did not also limit the number of outfitters who could use that pool. Actually the 5,600 B-10 licenses were not adequate. The Board of Outfitters was not asking for an increase but that the legislature would not decrease the number of licenses.

REP. BOB REAM commended **Ms. Baucus** and the council on the tremendous job. He urged this committee to "not tinker with it" and asked if she had any comments on the issue of 5,500 licenses versus the 5,600 elk combination licenses. **Ms. Baucus** said the 5,500/5,600 was a hard fought battle. It was absolutely a balance. The outfitters in eastern Montana asked for help in controlling their burgeoning deer population. At one of the meetings specifically for outfitters, the outfitters explained that there were 200 elk licenses and 200 deer licenses thrown away every year because people apply for both to have a better chance of getting a license. With that in mind and with the request from eastern Montana, solution was reached which addressed everyone's concern and created balance. In order to grant the 300 new deer tags, elk tags for the outfitted nonresidents were decreased and changed into the nonoutfitted nonresident category. It achieved the best possible balance.

CHAIRMAN WAGNER asked **REP. SWANSON** if it was possible to meld the new HEP program into the existing block management program

without increasing staff people and bureaucracy. **REP. SWANSON** replied that in the fiscal note there are no FTE's requested for additional administrative expenses. It was exactly what was planned.

CHAIRMAN WAGNER submitted four letters into the record in support of HB 195 from **Robert J. Cooney; Dean Armhurst; Dale Williams, Montanans For Multiple Use; and Allen Schallenger.** **EXHIBITS 18, 19, 20, and 21**

REP. SLITER stated that he did not want to belabor the moratorium issue but had several concerns. He gave a scenario involving a person who bought a license during the moratorium. As the sunset date approached, he suspected that the market would demand more outfitters. As the legislature debated removing the sunset date, the person who purchased the outfitting license will adamantly oppose it because of the tremendous decrease in value his license will have. The legislature will be in a dilemma of continuing the moratorium against consumer demands or lifting the moratorium and facing a potential lawsuit by the person who purchased the license during the moratorium. He asked **Ms. Johnson** to respond to his worries. **Ms. Johnson** explained that an outfitter cannot sell his license. It was not like a liquor license. If he sells his business, which "by the time he is done is a bunch of worn out mules and patched tents," his license was good only to place in a frame on the wall. **Ms. Johnson** said that HB 196 contained language to maintain the current size of outfitters as they were currently. She suggested perhaps the idea of a moratorium should be removed. Consider the Board of Outfitters bill, HB 196, as the tool to control the number of new outfitters. HB 195 encompassed the stipulations of having a place to operate that created no undue conflict with the public or wildlife.

REP. SLITER directed **Ms. Johnson's** attention to Section 11, Subsection (2) which read, "An affected outfitter licensed may attempt to sell the outfitting business, but approval of the buyer's license is conditioned on the buyer's ability to meet the licensing criteria." He thought this section was very identical to the liquor license quota. **Ms. Johnson** said she was ignorant of the liquor license quotas. The language in this section was written by her late at night after struggling with many issues at council meetings. She did not know how to craft the language so that it would work. In good faith, the Board of Outfitters took what she thought would work. She did not realize there were outfitters who may have a camp in the Bitterroot Valley and another one over in the Condon area. They were two separate businesses. If the outfitter wanted to sell the Bitterroot camp he would have to surrender his license to do business in the Condon area. She asked **Lance Melton, Attorney, Department of Commerce** who provided services to the Board of Outfitters and assisted drafting HB 196, for help in clarifying the answer. **REP. SLITER** said he was concerned about Section 11, subsection (2). It appeared that the way the language was written in this

section was similar to liquor licensing. **Mr. Melton** said he understood his concerns. He spoke of the distinction made by **REP. SWANSON** earlier between the liquor licensing system and the outfitting business license. There was a limited number of licenses. He did not believe there would be artificially expanded value of businesses when there were limitations placed on outfitters under HB 196 and also with the limitation on the number of licenses available to outfitters.

{Tape: 2; Side: B; Approx. Counter: 000; Comments: Tape was turned over right before Mr. Melton began speaking. Lost 30 seconds.}

Closing by Sponsor:

REP. SWANSON thanked the committee for an excellent hearing. The issue about the 5,500/5,600 licenses was a perfect example of the kind of issues that council people "went around and around with." One of the messages sent to the governor in asking him to set up this council was that the legislative arena was not the appropriate place for dealing with complex controversial issues of this type. It required a group of citizens from all different constituencies to put aside some of their time to sit down together, build consensus, find a balance, and define solutions. She asked the committee to endorse the efforts despite the fact that it may not be the ultimate answer. She was proud to have been a part of the process and was grateful to the people she worked with. The amendments **REP. SWANSON** offered were "friendly amendments" and were the result of people finding discrepancies in the bill after it was drafted. They would be discussed in more detail in executive session along with the proposed fiscal note.

HEARING ON HB 196

Opening Statement by Sponsor:

REP. EMILY SWANSON, House District 30, Bozeman, presented HB 196, a companion bill to HB 195. The Advisory Council was entirely in support of HB 195, however, they did not support HB 196 in its entirety. The Board of Outfitters drafted the bill, brought it to the council and asked for their support. The council reviewed it in relation to the recommendations made to the governor and offered support on a large portion of HB 196. There were a few aspects that were not discussed at council meetings. Council members did not oppose them but could not offer 100% endorsement. **REP. SWANSON** agreed to carry the bill for the Board of Outfitters on behalf of the Department of Commerce. It was not a formal part of the HB 195 package, but she felt comfortable endorsing it. HB 196 gave the Board of Outfitters the ability to police, better control, and better regulate their industry. HB 196 creates a new class of guide, a master guide. Amendments have been offered to change that terminology to a "professional guide." It also created the ability for the Board of Outfitters

HOUSE OF REPRESENTATIVES

Fish and Game

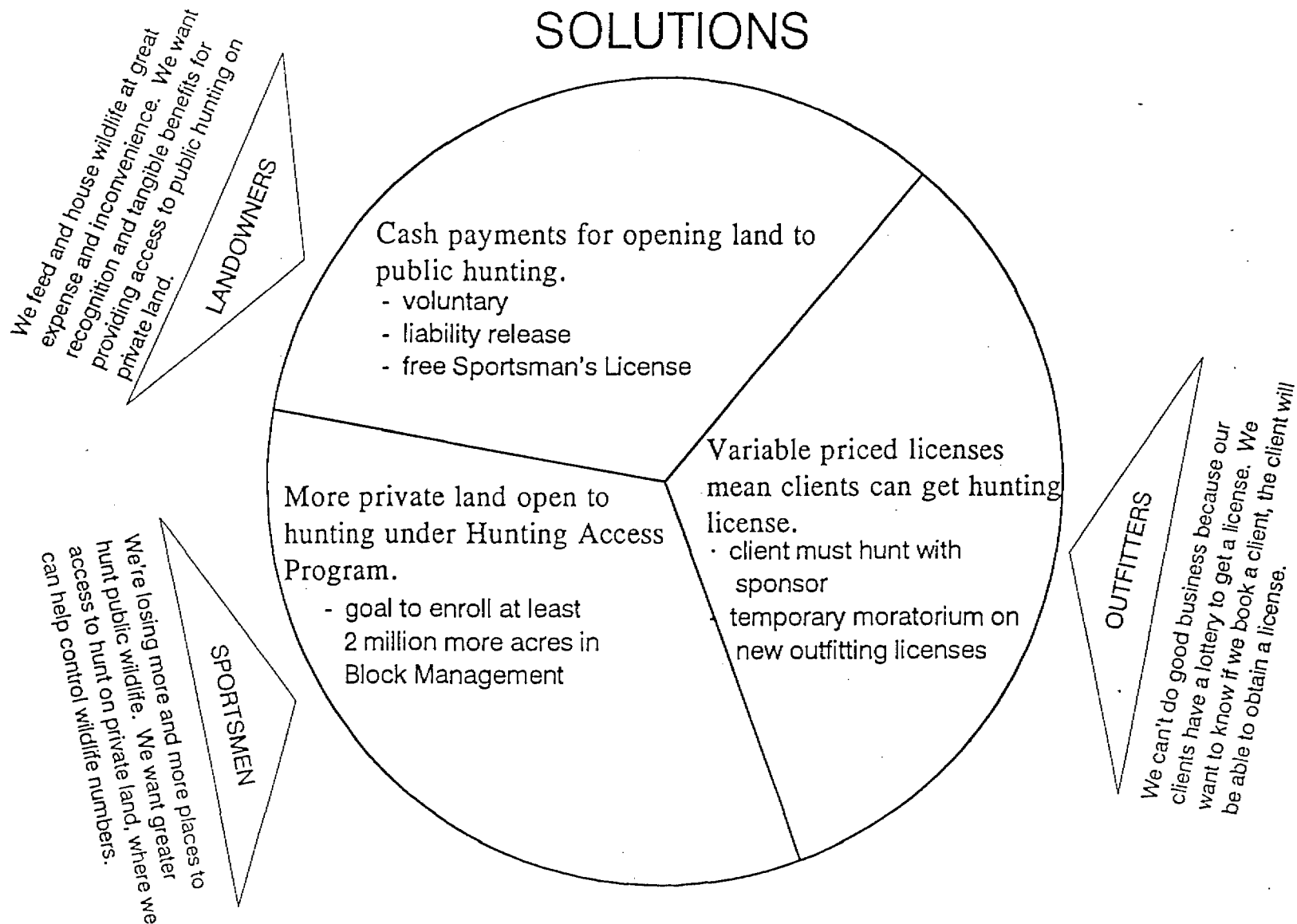
ROLL CALL

DATE January 26, 1995

NAME	PRESENT	ABSENT	EXCUSED
Rep. Doug Wagner, Chairman	✓		
Rep. Bill Rehbein, Vice Chairman, Majority	✓		
Rep. Emily Swanson, Vice Chairman, Minority	✓		
Rep. Charles Devaney	✓		
Rep. Jim Elliott			✓
Rep. Daniel Fuchs	✓		
Rep. Marian Hanson	✓		
Rep. Hal Harper	✓		
Rep. Chase Hibbard	✓		
Rep. Dick Knox	✓		
Rep. Rod Marshall	✓		
Rep. Brad Molnar	✓		
Rep. Bob Pavlovich	✓		
Rep. Bob Raney	✓		
Rep. Bob Ream	✓		
Rep. Paul Sliter	✓		
Rep. Bill Tash	✓		
Rep. Jack Wells	✓		

PRIVATE LANDS/PUBLIC WILDLIFE

Sponsors: Swanson, Hibbard, Hertel, Pipinich



DATE January 26, 1995
HB 195

REP. SWANSON

HB 195 SUMMARY OF MAJOR POINTS:NEW SECTION. SECTION 1

- ◀ Establishes hunter access and access enhancement (landowner incentive for access) programs as part of Block Management.
- ◀ Participation is entirely voluntary and based on cooperative agreements made between the landowner and MDFWP in the same manner as Block Management agreements.
- ◀ Assistance cannot be provided to a landowner who charges fees for access to private land enrolled in the program or does not provide reasonable public hunting access to lands enrolled.
- ◀ The FWP Commission shall develop criteria by which benefits are allocated to participating landowners.

NEW SECTION. SECTION 2

- ◀ Resident landowners who enroll land in the program would be eligible to receive a non-transferrable resident sportsman's license
- ◀ Nonresident landowners enrolled in the program could receive a non-transferrable nonresident Big Game Combination license (B-10). License granted in this program would not affect the quota of 11,500 nonresident B10 licenses. Nonresident landowners choosing this incentive would not receive any monetary incentives.
- ◀ The restriction on liability of a landowner, agent or tenant that is provided under 70-16-302(1) MCA applies to a landowner who participates in the hunter management program.

NEW SECTION. SECTION 3

- ◀ Establishes criteria for cooperative agreements.
- ◀ Land is not eligible for inclusion in the hunting access enhancement program if outfitting or commercial hunting restricts public recreation or hunting opportunities.
- ◀ Benefits provided to landowners enrolled in the program will be cash payments to offset potential impacts associated with general ranch maintenance, conservation efforts, public hunting access, weeds, fire etc.
- ◀ Payments may be received directly by the landowner or directed by the landowner to local weed districts, fire districts, etc.
- ◀ Provides a maximum of \$8,000/yr. in incentives for private landowners to allow public hunting on their property.

- ◀ The restriction on liability of a landowner, agent or tenant that provided under 70-16-302(1) MCA applies to a landowner who participates in the hunter management program.

SECTION 5.

- ◀ Revenues from the b-10 and b-11 licenses sold at a variable price would be exempt from 87-1-242 MCA directing 20% of license increases to wildlife habitat fund.
- ◀ Generally a housekeeping section with the exception of language which excludes variable priced license revenues from habitat enhancement account contribution.

SECTION 6.

- ◀ Provides for the variable priced sale of a five-year average of 5500 B-10 (Non-resident big game combination) and 2300 B-11 (Deer combination) outfitter-sponsored licenses. Unsold licenses from these categories would be reallocated for drawing at a price set by the FWP Commission.

SECTION 7.

- ◀ Requires DFWP reporting to the governor and each regular session of legislature regarding the success of the program. (Offering amendments have independent group report to Governor and Governor report legislature)

SECTIONS 8 and 9

- ◀ Outfitter-sponsored non-resident licenses (class B-10 and B-11) will fund these programs through sale at variable rates set annually by Montana Fish, Wildlife & Parks Commission. Prices will be set at maximum rate intended to sell not more than an average of 5500 B-10 licenses and 2300 B-11 licenses each year, calculated over a 5-year period. Licenses remaining, if any, after sale may be reallocated by the commission through a drawing at a price set by the commission.
- ◀ The 2000 Landowner-sponsored licenses will be available and sold at a rate as provided in 87-2-511.

Section 10

- ◀ A landowner-sponsor may not submit for or receive more than 10 licenses (class B-11) annually.
- ◀ Reiterates current regulation that non-residents hunting with landowner-sponsored B-11 licenses must conduct all hunting on the deeded land of the sponsor.
- ◀ Any permits, or tags secured as a result of obtaining an outfitter-sponsored nonresident deer or "combo" license are valid only when hunting with a licensed outfitter.

SECTION 11

- ◀ Provides for a 5-year moratorium on the issuance of new land-based hunting outfitting licenses by the Board of Outfitters.

SECTIONS 12-14

- ◀ These are sections which specify codification (where in the statutes these laws would be placed), severability (deletes any portions not deemed legal from other portions which may be) and Saving (does not affect rights previously in effect before the bill was made law).

SECTION 15

- ◀ Establishes effective dates for Sections 5 through 9 (March 1, 1996) and sections 1-4, 10 and 16 (October 1, 1995).

SECTION 16

- ◀ Establishes a sunset date of October 1, 2001.

hjrlega3.brf

EXHIBIT 3
DATE January 26, 1995
HB 195

HOUSE BILL #195
PRIVATE LANDS/PUBLIC WILDLIFE
Nina Baucus, Chairman

Mr. Chairman, Committee Members;

My name is Nina Baucus and I had the pleasure of chairing the Governor's Private Lands/Public Wildlife advisory council.

Following the guidelines of IJR 24 Governor Racicot appointed an 18 member advisory council of people from across Montana. Each of these people was chosen because of their expertise and varied interests in matters dealing with issues of importance to Montana's hunting heritage. The council membership included sportsmen, landowners, and outfitters as well as one ex officio member from the Forest Service, Department of State Lands, and the Bureau of Land Management. Each person who accepted a position on the council did so as an individual and not as a representative or spokesman for any special interest group. In addition, all council members made a commitment to each other to work together to find viable solutions to the issues as presented to the council in the Governor's Executive Order #6-93.

The council members chose the decision making process of consent by each member on each decision of the council with the understanding that if, for any reason consent by each member was not reached on any individual decision then they would either work harder to reach consent or throw the suggestion out all together.

At the initial meeting the council members also decided that any recommendation they might arrive at had to come from the people of Montana. With that in mind the council turned to local groups throughout the state for help in the process of gathering input from all people with concerns and interests in the issues of hunting and hunting access. Some of the local groups used by the council were already in existence and others were established. Each group was made up of sportsmen, landowners, outfitters, and department and agency people. All of them were asked to address the hunting and access issues of concern in their area and then to bring that information back to the council. As this initial information was gathered the council put together the first draft of recommendations. This was sent back to the local groups as well as to organizations across Montana for review and revision. The initial mailing list consisted of 145 names of various organizations in Montana which have interests in hunting and access issues. Each organization was asked to share all material from the council with their membership and then to respond back to the council. Copies of the initial draft and each subsequent draft were made available to the public. As individuals throughout the state began participating in the input and review process the mailing list grew to over 800 names. During the 60 day comment period which followed the mailing of the first draft the council held public meetings across the state. At these meetings council members sat down with the people to discuss the issues, the people's concerns and the people's recommendations for addressing those concerns. When the council met following the end of the first comment period copies of all public comments received were given to each council member. After studying these comments the council revisited the initial recommendations revising some, adding new ones and throwing others out so that the second draft better reflected the wishes of the people. These revised recommendations were then sent back to the people for a second

review. As with the first comment period the council again held public meetings across the state and again sat down with the people to discuss the issues and proposed recommendations. During the first public comment period the people were very vocal about the issues, their concerns and their recommendations. They also were not a bit bashful about expressing their skepticism that the council would truly listen to them or pay any attention to their comments. But when the people received copies of the second draft and found that the council did indeed listen to them they were quite surprised and pleased. They expressed a feeling that maybe this time there might be hope for some resolve for the issues dealing with hunting and hunting access in this state.

Following the second comment period the council again reviewed all of the public comments and revised the draft recommendations to reflect the comments received from the people before sending the third and final draft of recommendations out. At the end of the third comment period the council members finalized their recommendations on the issues pertaining to hunting and access in Montana as outlined in the Governor's mandate to the council. These recommendations were then sent to Governor Racicot and are now before this committee as House Bill #195.

Let it be noted that the recommendations presented to Governor Racicot by the advisory council did not come from the council. And let it further be noted that the bill which is now before you does not come to you from the Governor. The recommendations and subsequently the bill now before you come to this legislature from the people of Montana. It was the belief of the council that the only possible means of finding viable solutions to the greatly varied concerns of hunting and hunting access issues in this state was to go to the people, to listen to them, and to put together a package of recommendations from the people. The only part the council held in this process was that of listening to the people and then melding together the responses heard so that each issue was addressed from all points of view. The council took this responsibility to the people of Montana very seriously and gave equal weight to each and every comment received. Because the council was directed to address the issues on a statewide basis and from each point of view the recommendations as presented to Governor Racicot consisted of a package of balances. Every recommendation within the package was achieved in a give and take process in which the council tried to very carefully balance the concerns of all interests. In order to accomplish this all interest parties were asked to do some giving. But in return all interests received something. For this reason there is probably no one in the state who is completely comfortable with everything in HB #195. This is because no one received everything they wanted and everyone was asked to compromise in order to attain the solutions arrived at. HB#195, like the recommendations, is a collection of checks and balances. Nothing within this bill can stand on its own. And if anything is taken away the balance so diligently worked for and carefully achieved will be lost.

To those of you who will now be studying and voting on HB #195 please remember that the entire bill consists of checks and balances that come to you from the people of Montana. And that any changes to this package will upset the delicate balance which has been achieved.

Thank you.

EXHIBIT 4
DATE January 26, 1995
HB 195

To the Honorable Doug Wagner, Chairman Fish and Game Committee and other Committee Members:

Over the months of deliberation, the council has found that achievement of the goals of the PL/PW is an interconnected process. We the council are trying to present "win-win" solutions to very complex problems. Solutions to one problem can often affect aspects of other issues. We, as council members, want you to understand that not every landowner will want to participate in this program. This program must be VOLUNTARY. There are landowners that will still provide hunting access for nothing but a handshake. There are others that will charge a fee and some will still want to lease their lands.

For the first time in Montana, a landowner/sportsman/outfitting group know as the PL/PW council has presented to you that allowing hunting access and/or providing wildlife habitat has a value to both the sportsman and the landowners, and that sportsmen are willing to recognize landowner contributions through payments up to \$8000 to the landowners enrolled in the hunter management and or hunting access program.

The Montana Fish, Wildlife and Parks Commission will develop the rules for determining the tangible benefits to be provided to a landowner for providing public access to his property. The qualifying landowners, may at their discretion, apply these benefits for general ranch maintenance and conservation efforts that may include, but are no limited to--weed control, fire protection, liability insurance, roads, fences and parking area maintenance. The liability issue is of real concern to the landowners. Under this bill the landowner, as stated, in 70-16-302 (1), feels protected from being sued for injuries incurred on private property while hunting game.

The council is recommending a reevaluation of these proposals in five years. However, if success of the BMP/HEP is clearly evident within a period of five years, (i.e.,

landowner participation in BMP/HEP increases and if the number of acres opened to public hunting increases. and sportspersons support the program), and if funding sources can be identified, then serious consideration must be given to eliminating or increasing the \$8000 limit currently recommended.

The acceptance of this program will be highly dependent on the value set by the different criteria used by the commission. Depending on these benefits will determine the participation of the various landowners.

Pros:

1. voluntary
2. more deer tags in the east to address population increases
3. keep nonresident licenses at 17,000
4. free resident licenses
5. beginning to solve landowner/sportsman problems
6. slow down land leased to outfitters
7. combine with BMP to lessen administration costs
8. limit landowner sponsored licenses to 10

Cons:

1. Montana residents pay no money into this program
(users of the program pay no money)
2. no guarantee for more wardens---the money generated from 600 deer licenses
could go to payment of wardens

Steve Christensen

1-406-961-3310 or 961-5653

HB 195 --- Recommendations from the Governor's Council on Private Lands & Public Wildlife

EXHIBIT 5
DATE January 26, 19
HB 195

Mr. Chairman, members of this committee. My name is Kelly Flynn. I am an outfitter, landowner, and sportsperson from Broadwater County and a member of the Governor's Council on Private Lands & Public Wildlife. I stand in strong support of HB 195.

Today I come before you not just as that outfitter, or the landowner, or that sportsperson. I stand as one of many dedicated Montanans that has worked with thousands of other Montanans contributing through a consensus process to find win - win solutions for each of those groups.

HB 195 provides vital considerations for the outfitting industry while balancing those incentives with win - win results for sportspeople and landowners.

- ◆ (1) **This bill addresses the most critical issue facing the outfitting industry today --- the industry's inability to secure a license for a booked client and the resulting lack of viability.**

This bill which allows variable pricing of outfitter reserved licenses gives the industry the opportunity to secure a license for each booked client. **Besides answering one of the outfitting industry's concerns, these variable priced licenses for the proposed 5500 B-10 & 2300 B-11 licenses will provide important considerations for both landowners and sportspeople.** Additional funds generated by those licenses will go to the hunter access --- landowner incentive program. The industry must realize that the package of benefits offered to landowners will serve as a option to leasing lands to an outfitter. I wholeheartedly support this meaningful voluntary program for landowners encouraging them to maintain hunter access to their lands and keep their lands in agricultural production.

- ◆ (2) **Next, this bill will provide 200 additional clients for the outfitting industry.** HB 195 proposes to lower the target of B-10 (elk & deer combo) licenses from 5600 to 5500 while increasing the target average of B-11 (deer combo) licenses from 2000 to 2300. Over 18 months of deliberations, the Governor's Council has tried to balance all the recommendations. We were told there was a greater need for more deer combo licenses and we balanced out that increase by suggesting to decrease the number of elk -deer combo licenses. I believe what this bill presents in regards to those licenses is good for the outfitting industry of Montana --- there is a gain of 200 more potential clients for the outfitting industry.. Does it provide a win -win alternative for landowners & sportspeople? Yes, it does. Increased dollars from this increased number of variable priced licenses will go to support the hunter access enhancement & landowner incentive program. Additionally, to address a concern of sportspeople, this bill proposes that all permits or tags secured as a result of obtaining a B-10 or B-11 license through an outfitter sponsor are valid only when hunting is conducted with a licensed outfitter. In summary, this means that once a client finishes hunting with an outfitter, that client may not go out on his own to other parts of Montana and compete with the unguided hunters.

- ◆ (3) **Last, this bill proposes a 5-year moratorium on the issuance of land-based hunting outfitter licenses.** In the mid 1970's, Montana's freemarket system for the outfitting industry ended when a limitation of 17,000 was set into law. For many years, outfitter numbers stayed stable. However, in the past two years, the number of outfitters in Montana has skyrocketed. Sportpeople have become increasingly concerned as they perceived more of the lands they traditionally hunted gulped up by the outfitting industry. The outfitting industry has become increasingly worried about their economic viability and social acceptance as their numbers have skyrocketed. The issue of protection of the **public welfare** has stepped to the front. This moratorium calls a "timeout" for everyone to focus on this issue and see how all the changes from HB 195 & 196 would protect the hunting resource, public health, public safety, and public welfare.

There is no doubt that there are individuals --- outfitters, sportpeople, and landowners--- who will stand today and oppose some part of this package . . . and that is all right. I only wish that everyone could have participated in the last 18 months of deliberations . . . and yes, I do know that some of those detractors did share their views. However, I do know that many Montanans have expressed their ideas over the past 18 months and this bill is a carefully blended mix of many of those folk's suggestions.

Mr. Chairman, members of this committee. This bill is that thoughtfully balanced series of recommendations providing win - win provisions for outfitters, sportpeople, and landowners. I strongly urge your support of HB 195.

Testimony in Support of HB 195

by Verle L. Rademacher,
Member, Private Lands/Public Wildlife Council

Members of the House Fish and Game Committee and fellow Montanans:

I am excited to appear before this committee and lend my support to this legislation. As a member of the Private Land/Public Wildlife Council, it was my privilege to see Montanans work together to come up with ideas that will benefit sportsmen and women, landowners and outfitters. This is a win/win solution for us all!

What we have worked out has some important benefits for landowners in the Block Management and Hunting Enhancement Programs. These are voluntary programs with financial benefits to those landowners who enroll in the programs to provide hunting opportunities.

The first common sense courtesy extended to landowners was to make available a resident Class AAA Sportsman's license to those who have enrolled their land in the hunter management program. For nonresidents, as an inducement and as a recognition of their effort to share their lands with resident sportspeople, a nonresident Class B-10 big game combination license will be made available. These do not affect the quota of 11,500 nonresident Class B-10 licenses.

Neither license can be transferred by gift or sale. They are given only to landowners of record and only after a cooperative agreement between the landowner and the department that will guarantee reasonable access for public hunting.

Resident landowners can receive assistance in block management and also the hunting enhancement program. Nonresidents can receive assistance in block management only. They would not be eligible for the added monies of the hunting access enhancement program.

Those who enroll in these programs have an important added benefit—restrictions on liability of the landowner, agent or tenant is guaranteed under Section 70-16-302(1) MCA. That alone can take much of the worry off from a landowner's shoulders who allows hunting under these programs.

Funding? The Council has worked that out. These programs are to be funded through the sale of the variable priced nonresident B-10 and B-11 licenses for outfitter sponsored hunters. The cost over and above the normal B-10 and B-11 license costs will go into a fund to cover the cost of the hunter management and hunting access enhancement program.

In short, landowners have inducements to open their lands to sportsmen, the sportsmen and women obtain more areas to hunt and outfitters have an opportunity to obtain licenses for their guided clients. Win/win solutions for all sides!

These are just a few of the benefits of the legislation before you and the recommendations the Private Lands/Public Wildlife Council sent to Governor Racicot. These common sense solutions were worked out in compromises arrived at by listening to the Montana landowners, sportsmen and outfitters who gave their input into the final agreement.

Let me leave you with an admonition that was relayed to us as we began the process of working on this Council. The time frame for compromise among landowners, sportsmen and outfitters is short. We have only a few years to work these problems out while we can still talk to one another and make compromises. The Council has done the work it was called to do and have put together something that will work. I caution you to be very, very careful in doing anything to this legislation that will upset that delicate balance of compromise that we have arrived at. This is, I believe, the most important piece of fish and game legislation that you will handle this session.

Thank you.

EXHIBIT 7
DATE January 26, 1995
HB 195

Testimony of Kathy Hadley
431 Boulder Road
Deer Lodge, MT 59722

Mr. Chairman, members of the committee, my name is Kathy Hadley and I'm from Deer Lodge, Mt. As Nina mentioned, I have been a member of the Governor's Advisory Council on Private Lands/Public Wildlife for the last 15 months. I have attended monthly meeting where I struggled along with others to try to understand the depth and breath of the complex issues facing all of us and where we all worked together to develop acceptable solutions. The product of our efforts is HB 195.

My role on the Council was a somewhat selfish one. I am deeply interested in trying to preserve the hunting heritage and traditions of Montana because I am an avid hunter. I place a high value on the time each year that I am able to spend out in the mountains and plains, pursuing wildlife, along with my husband and sons.

Over the last ten years, I have been troubled by the growing trend, of reduced hunting opportunities in parts of Montana....including the valley I live in. Ten years ago, most of the private lands were open to hunting in the Deer Lodge valley. Today, most of these private lands are closed...leased to outfitters. We now have fewer places to hunt, with more and more hunters turning to Forest Service lands. The local game populations have changed their patterns of behavior in response to the changing hunting pressure. Animals that once sought sanctuary in the dark recesses of the forest, now find sanctuary on closed private lands. The few landowners who do allow public hunting are swamped with requests for access and the entire hunting experience is becoming poorer, as more hunters are forced on fewer acres. Finally, there is a growing resentment that hunting is becoming a sport for the rich....that access is only for those with money and that the harvest of bull elk and buck deer are reserved for outfitter clients.

The legislation before you, from the perspective of one hunter, represents an opportunity to turn the tide against this trend. I believe that sportsmen will benefit if this legislation is passed.

1. First, we are proposing a new program for landowners that will provide specific, tangible benefits to them if they allow the public access to their lands for hunting. If the program is successful...it should open 1-2 million acres of private lands and more access to public lands.

2. The bill proposes a moratorium on new hunting outfitters for a period of up to five years. This should slow down, maybe even stop, the expansion of leased private lands for hunting.

3. Third, if HB 195 is passed in its present form, nonresident hunters who DON'T choose to use the services of an outfitter, will have gained a slightly greater opportunity to draw a nonresident big game combination license. The bill proposes to allocate 100 additional licenses to the nonresident hunters who don't use outfitters which will bring a little more equity to the license allocation system.

To close, HB 195 is a comprehensive bill that provides specific, tangible benefits to landowners who open their lands to public hunting. It benefits the outfitting industry by assuring them that they can get licenses for their hunting clients... and it benefits hunters by increasing access to both private and public lands and brings a little more equity in the nonresident license allocation system.

All of these proposals were thoroughly discussed and sometimes hotly debated in the Council. They represent an interwoven package of ideas from an interconnected process. We tried to develop win/win solutions and we recognized that we could not solve all problems. I urge you to support this bill and to carefully and cautiously review any proposed amendments. If the bill is changed in any substantive way, support for it may quickly disappear.

NON-RESIDENT COMBINATION LICENSE STATISTICS

EXHIBIT

7

DATE

1-26-95

HB 195

Success Rates

Type	1989	1990	1991	1992	1993	1994*
Big Game Combination						
General	100%	91%	90%	74%	67%	62%
Outfitter	100%	100%	99%	95%	91%	84%
Deer Combination						
General	31%	29%	24%	28%	25%	23%
Outfitter	100%	99%	80%	93%	76%	73%
Landowner	100%	99%	99%	81%	78%	69%

Number of Applicants

Type	Quota	1989	1990	1991	1992	1993	1994*
Big Game Combination							
General	11,400	10,896	12,576	12,795	15,506	16,983	18,346
Outfitter	5,600	5,600	5,576	5,622	5,919	6,141	6,647
Deer Combination							
General	2,000	6,647	6,906	8,375	7,088	7,981	8,428
Outfitter	2,000	1,923	2,018	2,515	2,161	2,616	2,734
Landowner	2,000	1,544	2,016	2,052	2,459	2,549	2,865
Totals	23,000	26,610	29,092	31,359	33,133	36,270	39,020

* Processing as of 4/6/94

Testimony In Support of House Bill 195
January 26, 1995

Glenn Marx, Policy Director, Governor Racicot's Office
House Fish & Game Committee

Mr. Chairman, for the record my name is Glenn Marx and I serve as policy director for Governor Marc Racicot.

The Private Lands/Public Wildlife Advisory Council had a virtually impossible job to do. They were told to pick through the sportsman-landowner wreckage that occurred during the 1993 Legislative Session, find whatever shards of hope or trust still existed, and march forth into a black hole of anger to fix the hemorrhaging problems of landowner-sportsmen conflict over private lands access.

Not only has the Council moved forward, they have flourished and produced nothing short of a minor miracle.

Upon passage of HJR 24, the Governor and Pat Graham at Fish, Wildlife & Parks invited applications to serve on the Advisory Council. Hundreds wanted the job. 18 were called upon.

Since their selection, we have watched them closely. We watched the Council struggle through each painful decision, each difficult issue, each arduous task. And make no mistake, they struggled. Sometimes they even tripped and fell. But when they did they picked themselves up, dusted themselves off, and moved forward. They never lost sight of their goal, and they accomplished their goal.

So I can give absolute assurance that the Governor offers his profound compliments and gratitude to Chair Nina Baucus and each and every Advisory Council member. They have stepped into the breach, took the heat, and through sheer guts and perseverance, performed a great service to Montanans.

The Council's performance has produced a package of recommendations that has resulted in House Bill 195.

The Governor strongly supports the package--and I want to emphasize the word package--embodied in House Bill 195. The obvious temptation is to nitpick and tweak this package. We'd all like to do that--all of us in this room can find something in this bill to oppose. But this bill represents a very, very fragile agreement. A tweak here, a tweak there, and the package may unravel. Which would be tragic, tragic for hunters, landowners, outfitters, Montana wildlife, and even, to a degree, Montana's economy.

The hunting access enhancement program, the creation of tangible benefits for landowners who provide access, the protection of wildlife habitat, a market based hunter license system, a moratorium on outfitters licenses. Each of them, in a stand alone

bill, create warfare. Together, they create compromise, even, perhaps, harmony. Most importantly, this bill represents constructive and promising progress on landowner-sportsmen relations at a time when promise is sorely needed.

Mr. Chairman, the Governor congratulates the Council on its fine work, its consensus process, its aggressive public involvement program and its balanced set of recommendations. He strongly encourages passage of House Bill 195.

THB195P.H

House Bill No. 195
January 26, 1995
Testimony presented by Pat Graham
Montana Fish, Wildlife & Parks
before the House Fish and Game Committee

Twelve different bills were introduced regarding issues of private land and public wildlife during the last legislative session. None of those bills were successfully enacted. The resulting gridlock was addressed through House Joint Resolution 24 which asked the Governor to appoint a citizen council composed of people representing the interests of landowners, sportspersons and outfitters.

House Bill 195 is the result of over 18 months of remarkable work on the part of the diverse group of citizens that made up the council. It also is the result of a great deal of input and advice from individual private citizens, local working groups, agencies and nonprofit organizations.

Hunters are concerned about diminishing access to private and public land for hunting opportunities. They have supported through regulations, license fees and personal contributions the rebuilding of Montanan's wildlife. Landowners are concerned about the number of game animals on their lands, and the lack of economic incentives to allow public hunting. They feel their contributions to sustaining wildlife are often overlooked. Outfitters are concerned about stabilizing their industry and having greater assurance their clients will get licenses.

Hunting is the primary means through which the state controls populations of big game animals. Access is fundamental to maintaining the balance of wildlife numbers, landowner tolerance and hunters' desires. Lack of access on adjoining lands can cause problems for landowners as well as hunters. Few acres open also concentrates hunters on fewer lands further stressing a landowner's tolerance.

This proposed legislation is the result of a consensus process by the council. It addresses each group's concerns and by necessity required compromises from all interests. No one gets everything they want in this bill and all have to give something up. However, this legislation offers significant, positive progress in addressing the concerns of landowners, sportspersons and outfitters.

The hunter access enhancement program (landowner incentives for access) established by this bill would be part of the existing Block Management Program. This proposed program is entirely voluntary for all participants and based on cooperative agreements made between the landowner and the Department in the same manner as Block Management. Block management is an existing program that is

popular with both landowners and sportsmen. In 1994 3.2 million acres of private land were enrolled in this program by Montana landowners. If the addition to the Block Management program proposed in this bill is passed, we believe we could increase the acreage significantly.

The Department supports providing tangible benefits to landowners enrolled in the program to mitigate potential impacts associated with public hunting access. These impacts may affect general ranch maintenance, weeds, fire protection, etc.

Sportspersons, landowners, outfitters and other interested parties will help develop criteria for allocating benefits among participating landowners. The Fish, Wildlife & Parks Commission will use an advisory committee to develop criteria for allocation of benefits. This process will be similar to that used successfully in developing rules for the Block Management program thereby providing a voice for all interests.

Nonresident landowners who own sufficient acreage of land in Montana for hunting often acquire the land for their own recreational use, and it is anticipated that few would open their lands for public access by enrolling in the program. I would anticipate that very few landowner licenses would be issued.

The Department understands concerns of landowners regarding the potential for increasing their liability when enrolling in a hunter access program in which the landowner receives consideration for allowing public access. The liability coverage provided landowners allowing free access under 70-16-302 (1) MCA will extend to landowners enrolled in this program.

The Department supports the creation of variable priced licenses for B-10 nonresident combination licenses (elk/deer) for outfitter sponsored clients and for B-11 nonresident deer combination licenses for outfitter sponsored clients. This proposed license structure serves three very important purposes:

1. Provides a source of revenue for funding the proposed access enhancement program.
2. Helps stabilize the outfitting industry by solving concerns of outfitters that clients booked for hunts do not always draw a license in the current drawing system.
3. Provides nonresident hunters choosing to obtain a license through an outfitter sponsor, the assurance of getting a license.

This proposed license structure still limits the number of licenses for outfitter sponsored clients by using a flexible price structure to hold buyer numbers to a five year average of 5,500 B-10 licenses and 2,300 B-11 licenses.

The nonresident hunter can still choose to apply for a license in the general nonresident pool, in which case they would pay the same price as exists in law now.

While the Department does not know the exact amount a variable priced license structure would generate, we believe that it would be in excess of one million dollars annually. Resident hunters currently contribute nearly \$1 million in incentives provided annually to landowners (\$500,000 block management, \$350,000 game damage, and \$110,000 predator control). Resident fees have increased 50 percent since 1991 with part of those increases going to these programs. The Department believes that any future increases in funding for the hunting access enhancement program should come from increases in resident license fees. However, I believe that increases in resident license fees are not necessary at this time.

The increase of the total number of nonresident deer licenses from 6,000 to 6,600 poses no major biological problems at this point in time. Deer populations are healthy. The Department issued 161,855 resident deer "A" licenses in 1994 and an increase of 600 licenses for nonresidents represents four tenths of a percent (0.004) increase. Likewise the switch of 100 nonresident B-10 combination licenses from the outfitter set-aside pool to the general nonresident drawing pool is not opposed by the Department. Pressures to reduce access as a result of the increased license should be offset by the funding provided to the landowner incentive program.

The landowner sponsor statute (that allows landowners to sponsor nonresident hunters for a separate drawing for B-11 nonresident deer combination licenses was in part intended as a means of allowing nonresident friends and family of landowners a greater chance of drawing a hunting license. The increased interest in using these licenses has reduced the drawing success and has reduced the chance of some landowners to sponsor friends and family members. The Department supports the proposed limit of 10 as the number of licenses a landowner sponsor may submit or receive per year.

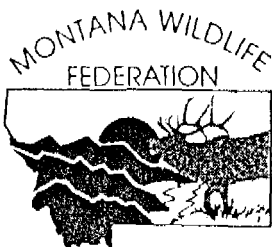
The Department supports the language requiring reporting to the Governor and to each regular session of the legislature on program success. This is a new program and improvements can be made as experience is gained. Likewise, the Department does not oppose the bill's sunset provision of October 1, 2001.

The Department recognizes that this bill is not the answer to all the private land/public wildlife issues. However it is a significant step in the right direction where the interests involved have moved from outright conflict to building a program on common ground. The Department wholeheartedly supports this bill and lauds the efforts of all the Montana citizens involved in developing this legislation.

PAUL ROOS

EXHIBIT 10
DATE January 24, 1995
HB 195

THE BOARD OF OUTFITTERS WORKED WITH THE PRIVATE LAND / PUBLIC WILDLIFE ADVISORY COUNCIL TO GUARANTEE A COHESIVE SOLUTION TO THE VARIETY OF PROBLEMS THEY WERE ASSIGNED. A SIGNIFICANT PART OF THIS SOLUTION IS HB 195. IN JUNE OF 1994, EARLY ON IN THE PROGRESS OF THE COUNCIL, THE BOARD AGREED AND APPROVED IN CONCEPT THE PROPOSALS OUTLINED IN THIS LEGISLATION. BECAUSE OF OUR INTEREST IN MONTANA'S HUNTING RESOURCE AND THE PEOPLE WHO USE IT, THE MONTANA BOARD OF OUTFITTERS ENCOURAGES THIS COMMITTEE TO CONCUR WITH HB.195.



MONTANA WILDLIFE FEDERATION

P.O. Box 1175, Helena, MT 59624 406-449-7604

1990 Outstanding State Affiliate of the National Wildlife Federation

January 26, 1995

MWF COMMENTS ON HB 195

EXHIBIT 11
DATE January 26, 1995
HB 195

I would like to commend the Private Land/Public Wildlife Council for 18 months of intensive work on some very divisive and contentious issues.

The Montana Wildlife Federation supports HB 195, which, in part, will implement some of the recommendations of the Governor's Private Lands/Public Wildlife Advisory Council.

Our support occurs after a great deal of soul-searching and extensive discussions with our local affiliate clubs.

To put our position in perspective, it is important to understand that for the most part of this century, the wildlife resource in North America has been recognized as belonging to the public, and that the state serves as the trustee for that fish and wildlife. The people of the United States, especially those of Montana, have almost religiously embraced the principle that we all share equally in this unequalled public resource. The fish and wildlife are to be enjoyed by all people, without regard to class, privilege, wealth, or means.

This doctrine, uniquely North American, is clearly distinct from the class system of Europe, where wildlife is enjoyed by those of wealth, royalty, and privilege.

With few exceptions, Montana has steadfastly resisted the temptation to allocate our fish and wildlife based on economics or commerce. We violated this principle when we created the Bighorn sheep permit auction, and then the auction of a Moose permit, which gave these permits to the highest bidder. When we set aside 5600 non-resident big game combination licenses for the exclusive use of hunters, who can afford to book with commercial outfitters, we did so to benefit an economic interest, not to equally allocate licenses among non-resident hunters.

The key element of the Council's recommendations is the variable-priced license for outfitted non-resident hunters. This element is the linchpin that holds the entire package together.

HB 195 would allocate 1/3 of the 17000 non-resident B-10 licenses based on a market driven system, that guarantees a big game combination license to any non-resident who is able and

willing to pay. This linchpin of HB 195, the variable-priced license, further expands the class system among non-resident big game hunters.

We sportsmen and women have a very difficult time accepting this transgression of our cherished doctrine.

The Montana Wildlife Federation views HB 195, not as a long term solution, but as an excellent interim measure for the five year term of the proposed legislation. The Private Land/Public Wildlife Council worked a virtual miracle to reach consensus in 18 months on volatile issues that have divided the three constituencies for years. We hope that the package embodied by HB 195, which offers benefits to all parties, can create a civil atmosphere over the next five years that will allow the various constituencies time to deliberately and thoughtfully continue to find solutions consistent with basic Montana values and principles.

Time is a great healer and educator. We believe that we all are obligated to honestly and in good faith work with, experience and examine, the inovative approach of HB 195 over the next five years.

One of the recommendations of the Governor's Private Land/Public Wildlife Advisory Council, which is not directly addressed in HB 195, is the recommendation "to increase the number of game wardens in the field during the general hunting season". Currently there are 62 'field' wardens for the entire state of Montana, or an average, of 1+ 'field' game wardens per county. The Montana Wildlife Federation fully supports the addition of fully trained game wardens to help fulfill the mandates of HB 195.

Through the public participation process of the Private Lands/Public Wildlife Council, the Montana Wildlife Federation has embraced ideas, which a year and a half ago, we would not have considered. Our support for HB 195 is based on the premise that the proposed legislation will procede as introduced, and will not be altered substancially.

Jim Richard, our Legislative Vice President, will be available to answer any questions the committee may have on specific matters.

EXHIBIT 12
DATE January 26, 1995
HB 195

MONTANA GAME WARDENS

The following presentation was given to Montana Fish, Wildlife, and Parks Administrators at the Management Team meeting December 21, 1994.

Goal; To increase the number of Field Game Wardens in the State of Montana.

Why? Workload for the Game Warden has increased steadily in the past 25 years though the number of Field Game Wardens has remained the same. Therefore causing the Game Warden to be at or beyond the workload saturation level.

How? Through various Organizations, Groups, Legislators, and F.W.P. search for Revenue to steadily increase the Field Wardens Budget and numbers of Wardens.

HISTORY

1864 - First Session of Montana Territorial Legislature passes laws to protect Montana's Fish and Wildlife.

Late 1800's - Though Montana's population is low and technology primitive Montana nearly loses its once vast Wildlife Resources. Buffalo exist only in small numbers in Yellowstone. Elk are found only near Yellowstone, and Antelope and Bighorn Sheep number in the several thousand. Why did this happen? The cause was, very few wildlife protection laws and no provisions for the Enforcement of said laws.

1895 - Legislature creates the Board of Game Commission, authorizing the 24 Counties to hire a Game Warden in each County. Four Counties do so.

1901 - Legislature seeing the need to protect Montana's dwindling Wildlife Resource Creates the Montana Fish and Game Department. Director W.F. Scott is authorized to hire eight deputy Game Wardens.

To Present - Montana Game Warden numbers increase, Warden duties are expanded, Uniforms, Vehicles, and equipment is utilized. Montana Field Game Warden numbers today vary from 62 - 68.

WORKLOAD INCREASE
examples

<u>License</u>	<u>1983</u>	<u>1993</u>
Non-Res. Bear	815	1,732
Non-Res. Antelope	2,935	14,650
Res. Antelope	36,860	58,876
Res. Elk	73,786	102,614
Non-Res. Deer B	5,372	15,051
Res. Deer B	36,549	72,134
Non-Res. Con./Fishing	9,665	25,065
Taxidermists	189	366

Continued

	<u>1986</u>	<u>1992 *</u>
Res. Hunter Days	1,437,058	1,826,353
Non-Res. Hunter Days	267,476	357,056
Total Days	1,704,534	2,183,409
Total Harvest	162,792	228,767

Deer, Elk, Antelope, Bear

Overall Hunting up 28.09 %

Overall Harvest up 40.53 %

* note, this is six years trend only

Game Warden Operation
Budget

1993 - \$10,000. per Warden State Vehicle Rate 27¢/mile
1994 - \$ 8,600. per Warden State Vehicle Rate 32¢/mile

1994 Example - If the Warden drives the average 20,000 miles/year

20,000 X 32¢ = \$6,400. Yearly budget \$8,600 - \$6,400 = \$2,200.

Therefore

\$8,600
- \$6,400 mileage
- \$1,100 per diem
- \$600 phone

\$500/year for expenses such as;

Equipment

Equipment Maintenance

Gas and Oil for Equipment

Horse expenses

Postage

Rent/Contract Services

Meat and Evidence Storage

Uniforms

Education Programs and equip.

Office Supplies

Computers

Communications

Jail expenses

Laundry

etc.

EXHIBIT 12
DATE 1-26-95
HB 195

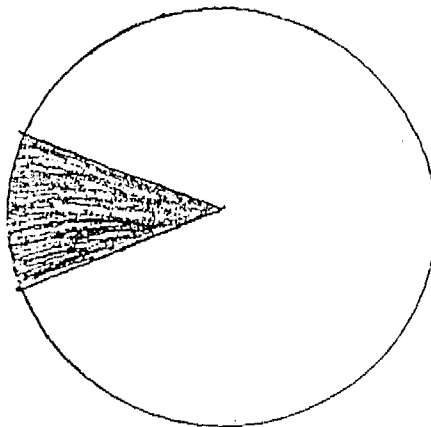
Today's Wardens

1970 - 1995	68 Field Game Wardens Budgeted (62 currently)
Average Patrol District	2100 square miles
Average annual miles driven	20,000 miles
Citations	up 13 % (4,500 average)
Warnings issued	up 47 % (1,200 average)
Number of Licensed Hunters and Fishermen	up 63 % (408,214 - 646,223)
Conviction rate	Currently up to 98 %

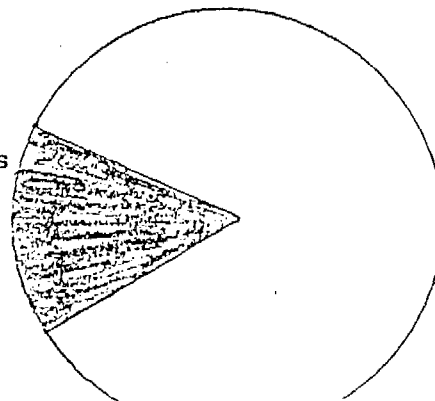
Current F.W.P. Budget

\$ 46,916,591.

Enforcement
11.1 %



F.W.P. employees
Enforcement
17.4 %



Misc.

The Illegal Wildlife Trade is second only to the Illegal Drug Trade in Dollar\$ generated. (\$ 4.5 Billion/Year in the world)

Burnout by Wardens and Stress related sickness is very real

Mainly caused by tremendous workload. (most wardens do Not retire under ideal circumstances)

i.e.-High incidence of Divorce, Alcoholism, mental and Physical Dissabilities.

" At his Best Man is the Noblest of all Animals;
Separated from Law and Justice He is the Worst"

Aristotle

EXHIBIT 13
DATE January 26, 1995
HB 195

January 25, 1995

TO: House Fish and Game Committee

FROM: Jim Bradford, President, Montana Bowhunters Association

The Montana Bowhunters Association supports HB195. Over the past 2 years the Governor's Advisory Council on private land/public wildlife has met non-stop to bring these recommendations to you. This Council was represented equally by landowners, sportspersons, and outfitters. They were asked by you to develop a compromise of the issues at hand. They met with sub-committees around the State. They also held public meetings to gather opinions from anyone concerned. They did what you asked of them.

To undermine any part of these recommendations would be wrong. This is a package full of compromises on everyone's part. To change it in any way because of personal bias destroys the basis for how it was formed. Please accept HB195 as is.

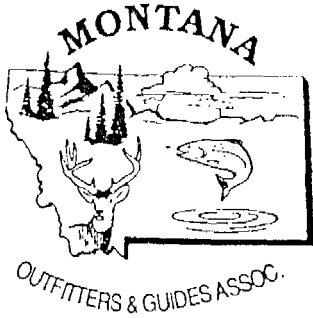


EXHIBIT 14
DATE January 26, 1995
HB 195

33 S. Last Chance Gulch, Suite 2 B • P.O. Box 1248 • Helena, MT 59624 • (406) 449-3578

"Where respect for the resource and a quality experience for the client go hand in hand."

Testimony in support of HB 195
January 26, 1995

Mr. Chairman, members of the committee. My name is Jack Rich. I represent myself and the Montana Outfitters and Guides Association.

I come before you in support of HB 195 with Rep. Swanson's amendments. But this support has not come easily. Our association has debated this issue for many hours before agreeing to support this bill. The amendments are a cornerstone to our support.

I would like to share with you an analogy that describes our profession.

Imagine, if you would, a 3-legged stool. On top of that stool are the professional hunting outfitters. The 3 legs represent the 3 basic requirements for us to do business. The 1st leg is an outfitter's business license. The 2nd leg is an operating area with a huntable wildlife population. The 3rd leg is a client with a hunting license.

Until 1977, the 3 legs were unregulated and self-leveling. Then the 1977 legislature chose to place a limit on non-resident licenses. But the other 2 legs remained unregulated and continued to grow. We have come before the legislature several times in the last 18 years in an attempt to keep the legs level. We've asked for additional nonresident hunting licenses and a moratorium on new outfitter licenses.

But we came up empty-handed. What we now have is a stool with 2 legs that continue growing and the stool is falling over backwards.

We desperately need stability. In 1994 there were over 1500 booked clients of outfitters that were unable to get a hunting license. This year is expected to be worse. The drawing or "crapshoot" for hunting licenses is destroying our industry. We need assurance that a booked client will receive a license.

This legislation, together with HB 196, is an attempt to bring the legs of our stool into level. It gives us a small increase in nonresident deer hunting licenses, a limit on hunting outfitter business licenses, and the ability to control expansion into new areas.

The net effect of this legislation will be to downsize the professional hunting outfitters. Every outfitter will lose clients who are unable or unwilling to pay the market price for their license. Those outfitters who are unable to adjust, will go out of business.

With that in mind, we are also asking you to support our ammendment to reinstate the 100 B-10 licenses to the outfitter pool. This will maintain the number of licenses at the original 5,600 level established by the legislature in 1987. The 100 licenses don't seem like much, but they could be the survival net for those outfitters on the edge of the stool. These licenses also represent a conservative economic loss of \$750,000 to rural Montana.

Please support this bill with the amendments. Thank you.

Jack Rich

Jan. 26, 1995



EXHIBIT 15
DATE January 26, 19
HB 195

33 S. Last Chance Gulch, Suite 2 B • P.O. Box 1248 • Helena, MT 59624 • (406) 449-3578

"Where respect for the resource and a quality experience for the client go hand in hand."

Testimony in support of HB 195
Jan. 26, 1995

Mr. Chairman, members of the committee, My name is Roy Ereaux. I am a third generation Montanan, and an Outfitter representing the Montana Outfitters and Guides Association, in general, and Eastern Montanan outfitters in particular.

There is a popular saying about Montana, and that's that it is "the last best place". I truly believe that. In regard to that, I further believe that Eastern Montana is the epitome of that statement.

Although, the great hunting and fishing East of the mountains wasn't really discovered until the last decade by others, we in the East have known about it since we were old enough to pack 22's and fishing poles. We are very fortunate to have a vast variety of fish, gamebirds, big game, small game, waterfowl and an endless array of birds, flowers, and unbroken miles of prairie scenery, that is as beautiful now, as it was in the days of Lewis & Clark. This is both an immense source of pride, as well as our Achilles heel.

For years this abundance of game has enjoyed the best habitat that landowners in Eastern Montana have had to offer: often at the expense of their own herds and livelihoods. Virtually every farmer and rancher I know enjoys seeing this abundant wildlife, and takes great pride in the fact that they are a major link in the survival chain of these birds and animals. However, in recent years, some have begun to feel the crunch of being caught between maintaining growing numbers of game, and maintaining a viable livelihood.

As people have become aware of these growing big game populations in Eastern Montana, some have seen it as an opportunity to utilize a renewable natural resource, to create a livelihood, or to compensate the landowner who has borne the brunt of the cost of providing the habitat for this abundant, and much sought after resource.

In spite of this generous contribution to bird and game populations, this group has historically been maligned for wanting to receive compensation in any form for its cost of raising of this renewable natural resource. As an outfitter with close ties to the farming and ranching community, I am part of this concern.

The fact that we are sympathetic to the concerns of the landowners and are willing to compensate them, while being accountable to him for our clients, our guides and ourselves, and that we take a conservative approach to harvesting the game involved, has made us an easy target for false perceptions and accusations, and has added to the frustration of the general resident hunting public.

This coupled with a growing feeling of landowners, that they are overwhelmed, unappreciated, and in general, perceived by the hunting public to be the enemy, has caused matters to degenerate to the point we were at during the last legislature.

At that time, the legislative body, with Governor Racioc, initiated the Private Lands/Public Wildlife committee. This committee was charged by the governor to form a consensus on any recommendations that they came up with. You have before you, along with some minor amendments, a copy of their suggested solutions to the problems they were asked to consider.

As is indicative of solution by consensus, no one group got everything it asked for, but I believe each group was treated fairly.

EXHIBIT 15
DATE 1-26-95
HB 195

As an outfitter, I don't see this as final solution, but rather as a major first step in the right direction, and a welcomed break from the Status Quo which is slowly and methodically killing our industry. I have followed this process since it began, and I truly appreciate the time, money and effort that everyone and I do mean everyone, put into this document. These people are to be commended for their work.

Just as you are bound by your commitment to your constituents, to seek the high road in their behalf, I contend that these individuals on our behalf, have traveled this same road, and I would ask that, although each of you, like , each of us, may not agree completely with everything in this bill, that you see it as we do a major step in the right direction, and vote favorably for its passage. Thank you for the opportunity to be heard.

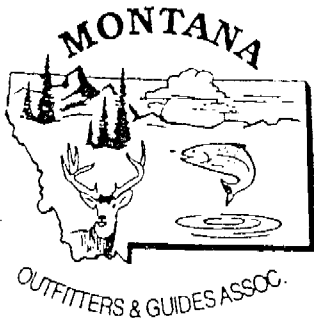


EXHIBIT 10
DATE January 26, 19
HB 195

33 S. Last Chance Gulch, Suite 2 B • P.O. Box 1248 • Helena, MT 59624 • (406) 449-3571

"Where respect for the resource and a quality experience for the client go hand in hand."

Mr. Chairman, members of the committee, for the record, my name is Jean Johnson. I'm the executive director of the Montana Outfitters and Guides Association, a position I've held for nearly four years.

Some may say that HB 195 is an outfitter relief bill. They will be wrong.

Some may say that outfitters don't gain anything from HB 195. They also will be wrong.

The truth lies somewhere in between. Yes, there is gain for Montana's outfitters, but a price will be paid for that gain and some will pay more dearly than others. So what are outfitters going to give up for the new guaranteed license?

- Many will give up the hunter who came years ago as a new client and has continued to come year after year as a friend. Some of these people will simply refuse to continue paying more money to enhance a Montana program. Some will simply no longer be able to afford the trip.

Despite what you might read in the Billings Gazette, outfitters' clients aren't all "filthy rich". The majority of outfitters' clients are hard-working Americans who save up all year for a Montana hunt with a Montana outfitter. And yes, there are those clients who can better afford a guided hunt than some of us. But to belittle those people because they have money is unAmerican and unfair.

- Many outfitters will lose the ability to increase their prices as their own fixed costs increase. Why? Because for the broad band of hunters who buy the variable-priced license, their hunt budget is fixed. When the cost of that license begins to consume a larger share of the budget, the one who will be squeezed is the outfitter.

And an even more important impact: When the cost of hunting becomes just too high, the hunting public will hang up its rifles and that's when we all lose.

No one should see HB 195 as the "final solution". It isn't. There are too many unknowns. But. The three groups — landowners, sportsmen and outfitters — are on the road and most importantly, they are walking together. I want to share with you an example that shows that the consensus Rep. Swanson started and the council lived by is still working: When we presented our amendment to return the number of B-10 licenses to the original 5,600 to the Montana Wildlife Federation, they elected not to oppose our request. We appreciate that. We are indeed on the road and we need to stay on the road.

When HJR 24 was passed by this committee two years ago, I was skeptical. And when Rep. Swanson amended the resolution to include the consensus clause, I was scared. But we were determined to give the process a fair hearing. And thanks to Governor Racicot's innate sense of fair play and his wisdom in selecting the members of the council -- and because Chairman Nina Baucus has a cool head and fair hand -- and because two outfitters — Kelly Flynn and Russ Smith — gave up countless hours to carry the message for their profession, we have emerged from the process with something that deserves a chance. I wish we had the time in this hearing to tell you how hard the other council members worked and how willing they were to listen to us. Without exception, each one was unfailingly courteous and willing to hear our story.

Yes, there are questions in our mind. A very critical question is what happens if the licenses miss the target by a substantial number? Do we then lose a corresponding number of licenses the following year? I would like to have Doug Sternberg address that question for the record

EXHIBIT 16
DATE 1-26-95
HB 195

I urge you to consider the work that has been done to date and to pass HB 195 with our amendment and with Rep. Swanson's amendments.

Rock Creek Outfitter's
Hinsdale, Montana
Dean & Patti Armbrister

1-19-95

Chairman Montana Fish, Wildlife & Parks
House of Representative
Doug Wagner
State Capitol
Helena, Montana 59620

Dear Representative Wagner,

I am writing you to encourage you to vote yes on House Bill 195 and House Bill 196.

My wife and I run our own Outfitting business in Eastern Montana. We just finished mailing out license application for the Big game drawing for non-residents to our clients. I wish that we could feel better about this time of year. But with the current licensing procedures we can not. From a management standpoint it is impossible to know what to do. Last season we lost 50% of our non-residents. At 50% that doubles your expenses of getting your clients. Even at that we can not bank on having even the 50% as some outfitters did not receive 20%.

Other than outfitting we operate a small ranch and raise alfalfa hay. To try to have a cash flow to live on and operate both business.

From a wildlife standpoint the current system does not work either. We have very very large herds of mule deer and a expanding whitetail herd. Our hay fields are full of deer year around, until the stand is gone, then the deer come to our hay stacks. We do not mine them doing some eating but they do a lot of damage, making the hay unsellable. The deer numbers in our area need more control. The deer numbers in heavily populated elk areas need protected, as it is difficult for them to compete with the elk for habit.

With the current distribution of elk licenses and deer licenses neither thing is working. The deer are getting harvested in elk areas because the hunters have a valid license to do so and the deer in eastern Montana are not getting the control because there is not enough licenses distributed there.

Please pass these bills as I feel that they were a valiant effort on all the various groups in the state. We worked together to come up with a solutions to our growing problems.

Thank you for your time.

Sincerely,

Dean Armbrister

PLA/DA
C: Darryl Toews

HB 195 By Request of the Governor
Amendment proposed by the Montana Outfitters and Guides Assn.
Jan. 26, 1995

1. Page 8, line 7.

Following: "of"

Strike: "5,500"

Insert: "5,600"

(Throughout the draft, delete the number "5,500" and insert "5,600".)

DEAR SIR:

I'm writing this letter on behalf of Cooney Brothers Ranch. Although not everything in House Bill number 195 is totally agreeable we do support it.

Our RANCH has participated in Block Management for two seasons. We plan on continuing in the future.

We would like to show our backing of 195.

Thank You

Sincerely Robert J Cooney



EXHIBIT 60
DATE January 26,
HB 195

January 25, 1995

OFFICERS

Mike Ware, President
406-756-6416

Dan Blomquist, Vice-President
406-892-1893

Terrle Blomquist, Secretary
406-892-1893

Lesa Longfield, Treasurer
406-892-5599

DIRECTORS

Dan Blomquist, Motor Bike/ATV
406-892-1893

Randy Helgath, Snowmobiling
406-862-3990

Joyce Hollopeter, Huckleberry
406-752-1334

Milt Hollopeter, Horseman
406-752-3754

Sheila Keller, Forest Management
406-756-7168

Richard Riley, Public Access
406-755-6273

Dean Sturz, Chamber of Commerce
406-892-4807

Peg Wagner, Communications/Editor
406-387-5535

Mike Ware, Wildlife
406-756-6416

Dale Williams, Hunting/Fishing
406-862-5314

CHAPTER GROUPS

MISSION VALLEY CHAPTER
Bob Bell, 406-676-5592

ROCKY MOUNTAIN CHAPTER
Duane Howlett, 406-626-5318

TRI-COUNTY CHAPTER
Lee Jacobson, 406-693-2319

BIG HOLE CHAPTER
Kay Keil, 406-267-3387

JAWBONE CHAPTER
Joanna Dixon, 406-547-3940

Honorable Doug Wagner, Chairman
House Fish and Game Committee
Capitol Station
Helena, MT 59602

RE: HOUSE BILL 195

This testimony is on behalf of Montanan's For Multiple Use, a non-profit organization representing over 2500 Montana supporters. We request the following comments, concerning the recommendation from the Governor's Advisory Council on Private Land/Public Wildlife dated December 6, 1994, be entered in the official record.

We agree with the assessment that the enhancement of Montanan's hunting and fishing opportunities are of critical importance not only to the well being of the economy that is supported but most certainly to this family oriented event that has become a significant part of our custom and culture. It is in this regard, that the following comments are made:

- 1) *We are in agreement with the enhancement of the Block Management program and the efforts to improve that segment of the hunting access program. However, the creation of another arm of Block Management to be entitled HEP would appear to be redundant with on going and existing programs. Criteria used as reasoning for the establishment of HEP or the benefits offered in HEP should be realigned under the existing Block Management program to avoid duplication of efforts, dollars, and personnel.*
- 2) *Funding for the financial rewards offered a landowner must be done on a par basis from the variable priced outfitter licensees offered in Sec. III Part 4. We remain adamantly opposed to the license increase of up to \$1.00 as called for in Sec. IV. Increasing licensing fees brings about an inadvertent discouragement of sales and may have the opposite effect intended. Any number of families will tell you that as a side effect of increasing costs--their participation correspondingly decreases in the special drawings or in the number of general licenses sold, thereby affecting the industries economic benefits as well. We also recognize that there are other proposals that are or soon will be on the table to increase the conservation license fees thereby providing additional burdens on thousands of Montana citizens.*

- 3) *Caution must be exercised when reviewing the liability laws of the State. We would be opposed to a revision of liability that undermines the public right to obtain relief when deemed appropriate. Consistent with our belief that hunting and fishing in general (i.e. the taking of publicly owned wildlife) should not be relegated to a private money making sport, liability should not be removed from the individuals currently charging for access and indeed the liability relief, in this instance, should be greater.*
- 4) *We support the mandatory requirement that major violators of hunting or fishing regulations should be required to participate in a specific education program designed for rehabilitation and we would go a step farther. Those individuals who are convicted of such should be required to man check stations under the supervision of FW&P during general season, for the duration of time their licenses are revoked. This would enhance the ability of FW&P personnel to increase the number of field personnel at little or no cost to the taxpayer.*
- 5) *While we recognize the benefits of areas that offer the "walk-in" hunting, we must also recognize it to inhibit the opportunity to hunt, by regulation, to the disadvantaged or the disabled is wrong. Much of our existing hunting area is "already" considered walk-in simply by the closure of roads in national forests, state lands and private lands.*
- 6) *We agree that the consolidation of isolated state parcels of land would be beneficial in most cases under the guidelines presented.*
- 7) *We remain opposed to the creation of another "chief" in the FW&P's hierarchy to be known as "Access Program Administrator". We feel very confident that position could be handled by the existing personnel within the "Parks" section of FW&P's and that simple co-ordination between the levels in off season would ultimately save the taxpayer and the participants.*
- 8) *While the outfitters themselves are best at providing the expertise necessary in policing themselves, never the less support the efforts to maintain the industry, and specifically draw the committees attention to Section III, Parts 2, 3, 4, and 5 which we would support.*
- 9) *We support the formation of any public advisory group, AS LONG as the makeup of that group provides a fair balance between government, multiple users, and conservation advocates.*

*We appreciate the opportunity to comment before this committee on the issues at hand. Our concerns are voiced in the hopes that **OPPORTUNITY** is not confused with **PROFIT**, that **PRIVATE LANDS** are not confused with **PUBLIC LEASING**, and the belief that **MONETARY EXPENDITURE** does not automatically translate to **INCREASED EFFICIENCY**.*

Sincerely,

Dale Williams

Dale Williams, Hunting/Fishing Director

EXHIBIT 21
DATE January 26, 1995
HB 195

EXPERIENCE MONTANA
53 Elser Lane
Sheridan, MT 59749-9604
406-842-5134

Doug Wagner, Chairman
House Fish and Game Committee
Capitol Station
Helena, MT 59620

Jan. 25, 1995

Dear Representative Wagner:

Since I can not get away from business to attend the hearing on H.B. 195 and 196 I am requesting that you provide this fax to the other committee members for consideration.

Section 12 page 11 HB 196 adds some worthwhile language in line four but leaves discipline conditions up to anonymous bureaucrats and does not list procedure or penalties.

Line 13 from 15 gives no lee way for minor errors, poorly written laws, regulatory overload or simple mistake. It is bureaucratic over kill and just one more load to try to bear. Apparently one confiction or forfeiture would follow an outfitter for the rest of his life and be perhaps used as a club.

Please imagine yourself in my shoes. I try to be law abiding but find it difficult. Board of Outfitter Regulations now number 38 pages to day and are not easy to get. General FWLP regulations are a large book of 255 pages. Big Game Regulations number 88 pages, fishing 39, upland game bird 9, and waterfowl 28 for F,WLP total of 419 plus pages which apply to me. Board of Livestock--brand reg's only 13 pages.

This year my USFS permit for fishing one lake, one river, camping, hiking close to road, and using USFS roads totaled 31 pages and I received it Oct. 22, 1994. It was good only for the period May 15-Oct. 15, 1994. In addition it says I must obey the Interagency Travel Plan--Map and text and Item III D. says I must comply with all regulations of Dept. of Agriculture, all federal, state, county and municipal laws in my license area including but not limited to Federal Water Pollution Control Act 33 USC 1251 et seq., The Oil Pollution Act 33 USC 2701 et seq., Clean Air Act 42 USC 7401 et seq., Resource Conservation and Recovery Act 42 USC 6901 et seq., Comprehensive Environmental Response Control and Liability Act 42 USC 9601 et seq. All these acts are unavailable from

the USFS according to the person issuing the permit. I'm estimating a total of 2,000 pages in these various laws and am still working to find out what is in them. The total pages of laws so far is 2,501. Still there are many others we could lose our business or be disciplined for violation. Included are 84 pages of CPR rules, 172 pages of First Aid Rules, and unknown stacks of pages of OSHA, BATF gun control, BLM, Bureau of Reclamation, IRS, Worker's Compensation, state and federal discrimination, state and federal communication, National Park Service, U.S. Fish and Wildlife Service Refuge and endangered and threatened species, state school land, Fishing Outfitters Association, vehicle and trailer, boat, insurance, bank, post office and UPS and several counties and cities for a partial list for which I may be disciplined, fined, or imprisoned.

When not writing for more regulations (none are supplied without one or more requests) I add changes and additions and try to read the obtuse language in my collection to remain a legal outfitter. Both my clients and I would rather be enjoying the outdoors. What's wrong with common sense?

My wife and I both work 15 or 16 hours each day or more, seven days a week to earn our living from outfitting, run two other full time businesses and have one part-time job averaging 2,200 hours per year. All are low paying. Between us we have 35 1/2 years of education so are better equipped for interpreting regulations than many outfitters. Also we are Montana Natives, experienced in ranching, wildlife research and management, medical technology, outfitting, and gift manufacturing and marketing.

Increasingly we feel like road kills on the regulation highway. I wear a permanent leg brace and my wife a permanent dust mask both courtesy of the USFS. Life is not as easy or as much fun for us as when I got my first paying job 45 years ago. We'll never be able to retire and I hope to work at least another 30 years to support ourselves.

Please cut our regulatory load.

Sincerely,



Allen Schallenberger

cc: Representatives Bill Rehbein, Emily Swanson, Governor Marc Racicot, Senator Conrad Burns, Howard Bethel

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By CHAIRMAN DOUG WAGNER, on February 2, 1995, at
3:00 p.m.

ROLL CALL

Members Present:

Rep. Douglas T. Wagner, Chairman (R)
Rep. William Rehbein, Jr., Vice Chairman (Majority) (R)
Rep. Emily Swanson, Vice Chairman (Minority) (D)
Rep. Charles R. Devaney (R)
Rep. Jim Elliott (D)
Rep. Daniel C. Fuchs (R)
Rep. Marian W. Hanson (R)
Rep. Hal Harper (D)
Rep. Chase Hibbard (R)
Rep. Dick Knox (R)
Rep. Rod Marshall (R)
Rep. Brad Molnar (R)
Rep. Robert J. "Bob" Pavlovich (D)
Rep. Bob Raney (D)
Rep. Robert R. "Bob" Ream (D)
Rep. Paul Sliter (R)
Rep. Bill Tash (R)
Rep. Jack Wells (R)

Members Excused: None.

Members Absent: None.

Staff Present: Doug Sternberg, Legislative Council
Mary Riitano, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: None.
Executive Action: HB 122 DO PASS AS AMENDED
HB 195 DO PASS AS AMENDED
HB 196 DO PASS AS AMENDED

REP. REAM said REP. MARSHALL made a good point. It was not desirable to micromanage the Department of FWP. HB 195 was a good example of the consensus process rather than a popularity process. In the case of Daily Lake, FWP should have worked more closely with the local community in building consensus. He stated that he could support the bill with the addition of the Montana Wildlife Federation's amendment. It maintained the intent of the bill but mandated written and oral comments be published for public information. The final decision would be reserved for FWP.

REP. FUCHS said in some departments in the government, "too many things slip through the cracks." The current public fervor was for accountability. HB 122 was a property rights bill. Montana owned the property. When FWP wanted to make improvements and not listen to the public, sometimes the necessary steps needed to be taken to rectify the problem. He expressed support for HB 122.

REP. HAL HARPER commented that the discussion had centered around Daily Lake. HB 122 raised a much larger issue which was determining the best manner for the public to interact with FWP before it made decisions. He asked if committee members believed that the current method was adequate. If the people who did not agree with the improvements had an opportunity to voice their opinion, FWP might have gained a clear sense of the public desires. HB 122 stated that if the majority of people were against the project, the development would not take place. The bill allowed the public to stop or reduce unwanted improvements or developments to their recreational areas. He inquired whether it was more prudent to speed up development or to slow down and question the proposed development. There may be a better process of making these decisions than the method used currently.

REP. RANEY said the current process would remain unchanged with the exception that FWP would be required to seek public input and participation prior to the start of new projects. Currently, the law stated that public input must be considered. HB 122 required more than just considering public opinion but also respecting it. It was not his intent to micromanage the department. From discussions with people, a large majority wanted parks to remain more natural. Developments should be endorsed by the majority of the public before FWP was able to proceed.

Vote: DO PASS AS AMENDED. Motion carried 10 to 7 with REPS. SWANSON, ELLIOTT, HANSON, HIBBARD, MARSHALL, REAM, and TASH voting no. REP. MOLNAR was absent for the vote.

EXECUTIVE ACTION ON 195

Motion: REP. SWANSON MOVED THAT HB 195 AND AMENDMENTS DO PASS.

Discussion:

REP. SWANSON distributed a copy of proposed amendments and explained them. The Statement of Intent would be updated to say that any additional revenue would be reinvested into the program. The language "general ranch maintenance, conservation efforts" would also be added to clarify that if a landowner received payments under the program, the use of those funds would be solely at their discretion. Amendments three and four stated that the department could not make rules that would interfere with this program. Amendment five allowed a landowner to participate in either one or both programs. Amendment six and seven dealt with setting fees for the variable pricing of outfitter-sponsored Class B-10 and B-11 licenses. Some latitude would be given to outfitters to ensure that the system would not return to a "lottery" for licenses.

{Tape: 2; Side: A; Approx. Counter: 000; Comments: Lost 5 seconds.}

Amendment eight required that a review committee be established to help oversee the hunter management and hunting access enhancement programs. Amendments nine through ten addressed concerns regarding the programs being funded with out-of-state resident license fees. In the future, consideration must be given to providing expanded funding through increases in resident hunting license fees. Amendments 11 and 12 concerned the moratorium. The language in Section 11, subsection (2) was stricken because it was determined that it was not feasible.

EXHIBIT 3

REP. RANEY asked about the cost of implementing the review committee. REP. SWANSON explained that approximately \$15,000 had been appropriated in the Department of FWP budget. REP. RANEY asked about the source of the money. REP. SWANSON referred the question to Mr. Graham. Mr. Graham said the money would come from licenses and the new program's revenue.

REP. RANEY asked the reason the report to the legislature was stricken. REP. SWANSON stated that she did not want to eliminate the report. However, she did not want the report to involve just the department and the governor. Her intent was to have the review committee report to the governor and he would report to the legislature.

REP. RANEY asked for further clarification about amendment 10, increasing resident hunting license fees. REP. SWANSON explained that the variable priced license served two purposes. The first objective was to give the outfitting industry stability; the second objective was to potentially generate new money. The council believed using variable priced license fees for funding payments to the landowners who opened their land to public access was a good way to begin the program. The question was raised about the reason resident sportspeople were not contributing to the program. Discussions after the bill was submitted led them

to the conclusion that resident sportspeople could assist in the funding the program in the future. As the program grew, rather than placing an additional fee on nonresident sportspeople, increases in resident licenses could provide additional funding. REP. RANEY asked if the resident fee increase would need to be reviewed by the legislature. REP. SWANSON said yes.

REP. BOB PAVLOVICH asked REP. SWANSON if the landowners, sportspeople, and outfitter groups agreed to the amendment. REP. SWANSON said yes. REP. PAVLOVICH asked about the number of people that would be on the review committee. REP. SWANSON replied that no specific number had been stipulated. During the last session when HJR 24 was drafted, no specific number of people were designated for the forming of the council.

Vote: REP. SWANSON AMENDMENTS. Motion carried unanimously.

Motion: REP. SWANSON MOVED HB 195 DO PASS AS AMENDED.

Discussion:

REP. FUCHS asked REP. SWANSON about the moratorium. REP. SWANSON said it had been discussed after the hearing. She understood that the largest concern regarding the issue was that no one wanted to create a bad situation. However, there were huge differences between the outfitting industry and a private enterprise. The outfitting industry has a limited clientele while private businesses do not. The purpose of the moratorium was to allow the proposed system a chance to work. A short-term moratorium would help the system stabilize and give the Board of Outfitters an opportunity to regroup and devise better management plans. Notices would be provided to prospective outfitters that a moratorium was in place. REP. SWANSON said she was willing to reconsider the issue of the moratorium continuing five years.

REP. RANEY said an outfitter has leased land and has an outfitter's license. If that outfitter decided to sell the licenses, it would be for the area in which he operated. REP. SWANSON said no. The outfitting license was a business license acquired through the Department of Commerce. It had nothing to do with the area that an outfitter operated in. When the outfitter applied for a license, those details would be provided for public information. If the outfitter wanted to sell his business, he could not sell the license because it belonged to the state. He could sell his equipment and business reputation. REP. RANEY said if that outfitter closed his business in the area where he operated, an outfitter license would be available. When that license was purchased, the new outfitter may decide to not operate in the same area. As a result, that area would have no outfitter. REP. SWANSON said he was correct. She commented that amendments would be offered on the companion bill, HB 196, to further clarify the issue. REP. SLITER had expressed concerns regarding the issue. The length of the moratorium cannot be reduced too far because there would be insufficient time to allow

the program to work. The program was not scheduled to begin until the hunting season of 1996. She suggested that the moratorium include at least three hunting seasons.

REP. SLITER stated that the beginning of the moratorium depended on when the bill was signed by the governor. If it was signed before March 15, the deadline for issuing outfitter licenses, the 1995 hunting season would be included. However, if it was signed after March 15, the moratorium would not be effective until the 1996 hunting season. **REP. SWANSON** said if the moratorium was effective this season, no information would be available about the program's success until the variable priced license program was in place. That program was not scheduled to begin until the fall of 1996, regardless of when the governor signed the bill.

REP. RANEY stated that the moratorium could only be reduced to two or four years so that the legislature could review it. Two years was not acceptable because there would not be enough data. The only alternative was to reduce it to four years. **REP. SLITER** confirmed his statements. However, reducing the moratorium to four years reduced the number of hunting seasons affected. If the 1999 legislative session reviewed the program, there would be three seasons affected. **Mr. Sternberg** explained that the moratorium was effective upon passage and approval of the bill. There would be no new licenses issued after the effective date of this act. The remaining provisions of the bill become effective October 1. An outfitter's license expired on the last day of the license year for which it was issued. They were issued on an annual basis. All licenses issued in 1995 expired in 1996. The moratorium would be effective immediately and be in place for the 1995 season through the year 2000. **REP. SWANSON** further explained that if the five-year moratorium was left in place, the first opportunity the legislature would have to review it would be in 2001. **Mr. Sternberg** said that date would correspond to the termination of the act. **REP. SWANSON** said in some respects it may be good that it ended before the legislature reviewed it so that results of occurrences after the moratorium ended could also be reviewed. **REP. RANEY** said if the moratorium were to end between legislative sessions, many people could "flood in" and become outfitters. He believed that a four-year moratorium was the most appropriate so that the 1999 legislature could review the program.

REP. HIBBARD agreed with **REP. RANEY**. If the end of the moratorium was to coincide with the convening of the 1999 legislature, it would be a good time to review the whole program.

CHAIRMAN WAGNER asked if the legislature could review the program at any time. **REP. SWANSON** said yes.

Motion: **REP. RANEY** MOVED TO CHANGE THE FIVE-YEAR MORATORIUM TO A FOUR-YEAR MORATORIUM.

of the bill dealing with the moratorium to be sure everyone's concerns were addressed.

REP. SLITER stated he would leave the issue alone if the committee desired to keep the moratorium in the form in which it was presented. He commented that it would "be a pretty big I told you so" when outfitters protested the release of the moratorium because of the amount of money they had invested in their license.

Vote: JUNE 30, 1999, EXPIRATION DATE. Motion carried 8 to 6. No record of specific representative's votes was recorded.

Discussion:

REP. SWANSON asked Mr. Sternberg to provide the correct form of wording for the bill regarding the expiration date.

Motion: REP. SWANSON MOVED HB 195 DO PASS AS AMENDED.

Motion: CHAIRMAN WAGNER MOVED TO AMEND HB 195. ON PAGE 8, LINE 7, "5,500" WOULD BE STRICKEN AND REPLACED WITH "5,600." ON PAGE 8, LINE 29, "11,500" AND REPLACED WITH "11,400."

Discussion:

REP. SWANSON said the figures presented in the bill were hard fought compromises. Outfitters had explained in council meetings that there was a major game problem in eastern Montana. There was more demand for eastern Montana deer hunting than allowed by nonresident licenses. People were buying B-10 elk/deer combination licenses and throwing the elk portion of the license away. The compromise was to provide more deer licenses and reduce the number of B-10 combination licenses for clients of outfitters. She expressed opposition to the amendment.

REP. MARIAN HANSON said the eastern Montana elk herd had grown significantly. A biologist from Miles City had told her that the number of licenses could be raised to 10,000, and it would not negatively impact the resource. She expressed support for the amendment. REP. SWANSON explained that it may not impact the resource, but the number of licenses had been determined through compromise at council meetings for the benefit of resident hunters. REP. HANSON said she knew her area and the dilemma of game overpopulation. She supported the bill but felt that the proposed amendment numbers were acceptable.

REP. WAGNER said he understood that there was an idea to split the B-10 elk/deer combination licenses because of the amount of elk tags being thrown away. People were only using the deer tag. As a result, many elk tags were wasted. However, the only way the B-10 license could have been split was through a cap or moratorium to control the growth of outfitters. It was determined that it was unconstitutional to place a cap on the

Discussion:

REP. PAVLOVICH asked the reason it was being changed when it could be changed at any time, including in the next legislative session. REP. SWANSON said she understood the date change was only occurring on the moratorium and not on the sunset date. REP. RANEY responded that the date only referred to the moratorium. REP. SWANSON hoped that the bill would be in an acceptable form so that it would not need to be reassessed in the next legislature.

REP. SLITER originally felt that the moratorium should be eliminated totally. However, it was part of the consensus decision and should be respected. He wanted to mandate that the program was examined at the appropriate time. He asked Mr. Graham for clarification. Mr. Graham said in order that enough seasons were included for review, specific dates should be given so that there was no question about the moratorium's start or finish. He suggested having the season end in either July or October so that it would not end in the middle of a drawing.

REP. RANEY withdrew his motion.

{Tape: 2; Side: B; Approx. Counter: 000; Comments: Lost 15 seconds.}

Motion: REP. SWANSON MOVED THAT ON PAGE 11, LINE 3 TO STRIKE THE WORDS "FIVE YEAR" AND ADD "EXPIRING JUNE 30, 1999."

Discussion:

REP. FUCHS stated that the 1999 legislature would have to review the programs because of the pending sunset date and suggested no further changes be made. REP. SWANSON said the problem was that if the governor signed the bill on March 1 and the licensing drawing was on March 15, there would be a two-week period in which many outfitters could obtain licenses. If a specific date was chosen, it would not matter when the bill was signed.

REP. SLITER asked when the drawings ended. Mr. Graham replied that they ended about the third week of April. REP. SLITER wanted to be sure that there was no "slack time." He was very uncomfortable with the drawing date and the expiration date occurring at different times. He felt that the moratorium had some problems that needed to be addressed before the bill became law.

REP. PAVLOVICH remarked that the three groups compromised and the bill should be "left alone." He stated that he may vote against the bill if it continued to be amended.

REP. SWANSON said the five-year moratorium was the council's idea. She wanted committee members to feel comfortable with the contents of the bill. It was acceptable to change this portion

outfitted hunters. He believed the numbers should be returned to their prior state before the bill was introduced.

REP. HIBBARD stated that the bill could be "tweaked all day and find good reasoning and rationale for it." However, HB 195 was the result of 18 months of compromise and consensus. The final product had benefits and sacrifices from each group involved. The consensus nature of the document and all the hard work that went into it must be acknowledged. He urged the committee to resist further changes.

REP. MOLNAR believed everyone's concerns were valid. No document, including this one, was "chiseled in stone." He wanted to return the numbers to their prior state.

Vote: REP. MOLNAR AMENDMENT. Motion failed 17 to 1 with REP. MOLNAR voting yes.

Motion: REP. SWANSON MOVED HB 195 DO PASS AS AMENDED.

Discussion:

CHAIRMAN WAGNER spoke of a person who operated a safari in which people traveled through different parts of the wilderness areas taking pictures. REP. SWANSON said the term "hunting outfitter" addressed those concerns.

{Tape: 3; Side: A; Approx. Counter: 000; Comments: Lost 15 seconds. A portion of CHAIRMAN WAGNER's comments were lost.}

Vote: DO PASS AS AMENDED. Motion carried 17 to 1 with REP. PAVLOVICH voting no.

EXECUTIVE ACTION ON HB 196

Motion: REP. SWANSON MOVED THAT HB 196 AND AMENDMENTS DO PASS.

Discussion:

REP. SWANSON distributed a copy of the amendments. They were "friendly" amendments negotiated through the three groups involved in the process. The word "master" was stricken and replaced with "professional" because the Board of Outfitters felt that was a more appropriate term. The other amendments changed "operating area" to "operations plans." Instead of the Board of Outfitters regulating on the basis of an operating area, outfitters would be regulated based on operations plans. Net client use would be utilized to evaluate whether or not there were land use conflicts. The amendments ensured that private property owners rights were not being infringed on.

REP. TASH asked REP. SWANSON about the effect on permits on federal land. REP. SWANSON said there was no effect. When an

number of outfitters. **REP. SWANSON** said splitting the B-10 license was one of the least popular ideas proposed at council meetings. The idea of providing more licenses to try and equalize the competitive framework was ultimately the compromise reached. Nonoutfitted hunters needed to receive some benefits from the compromise, not just outfitted hunters. This was the reason 300 B-11 licenses were added, and 100 were removed from the B-10 outfitted licenses and reclassified into the nonoutfitted category. Nonoutfitted sportsmen had the least statistical advantage in obtaining a license.

REP. RANEY asked, out of the three groups involved, who would agree and disagree with the amendment. **REP. SWANSON** said outfitters would appreciate the amendment. Nonoutfitted, resident and nonresident hunters would not like the amendment.

CHAIRMAN WAGNER asked **REP. SWANSON** the reason resident sportspeople would not like the amendment. **REP. SWANSON** said the reason was because more licenses would be given to clients of outfitters leading to more land being leased and an increase in the number of outfitters. Ultimately, there would be less land available for general public access. **CHAIRMAN WAGNER** said the numbers he proposed existed currently in regulations. **REP. SWANSON** said yes. However, 600 new licenses were created for nonresidents; 300 of those new licenses were for clients of outfitters. **REP. HANSON** asked if all 600 new licenses were for nonresidents. **REP. SWANSON** said yes.

CHAIRMAN WAGNER stated that he received a letter from the Montana Outfitters and Guides Association clarifying their position and feelings about HB 195 and HB 196. Outfitters were making compromises and sacrifices to have a peaceful coexistence with landowners and sportspeople. **EXHIBIT 4**

Vote: **REP. WAGNER AMENDMENT.** Motion failed 11 to 6 on a roll call vote with **REPS. WAGNER, REHBEIN, HANSON, HIBBARD, SLITER,** and **TASH** voting yes.

Motion: **REP. MOLNAR MOVED TO RETURN THE NUMBERS 5,500 AND 2,300 TO 5,600 AND 2,000 RESPECTIVELY AND ALSO TO REDUCE 11,500 TO 11,400.**

Discussion:

REP. MOLNAR said the reason for the amendment was to return amounts to where they were before the bill was proposed. The outfitters would not lose or gain anything, and there would not be an additional 300 licenses available in his part of the state.

REP. HANSON expressed opposition to the amendment. The proposed amendment reduced the number of game that could be hunted. In eastern Montana, there was a severe game overpopulation problem. **REP. MOLNAR** said there may be game to support 10,000 licenses, but he did not know how much public toleration there was for

HOUSE OF REPRESENTATIVES

Fish and Game

ROLL CALL

DATE February 2, 1995

NAME	PRESENT	ABSENT	EXCUSED
Rep. Doug Wagner, Chairman	✓		
Rep. Bill Rehbein, Vice Chairman, Majority	✓		
Rep. Emily Swanson, Vice Chairman, Minority	✓		
Rep. Charles Devaney	✓		
Rep. Jim Elliott	✓		
Rep. Daniel Fuchs	✓		
Rep. Marian Hanson	✓		
Rep. Hal Harper	✓		
Rep. Chase Hibbard	✓		
Rep. Dick Knox	✓		
Rep. Rod Marshall	✓		
Rep. Brad Molnar	✓		
Rep. Bob Pavlovich	✓		
Rep. Bob Raney	✓		
Rep. Bob Ream	✓		
Rep. Paul Sliter	✓		
Rep. Bill Tash	✓		
Rep. Jack Wells	✓		



HOUSE STANDING COMMITTEE REPORT

February 3, 1995

Page 1 of 3

Mr. Speaker: We, the committee on Fish and Game report that House Bill 195 (first reading copy -- white) do pass as amended.

Signed: Douglas T. Wagner
Doug Wagner, Chair

And, that such amendments read:

1. Title, line 15.
Strike: "A"
2. Title, line 16.
Strike: "DATE"
Insert: "DATES"
3. Page 2, line 23.
Following: "that"
Strike: "the"
Insert: "any"
4. Page 5, line 9.
Following: "with"
Insert: "general ranch maintenance, conservation efforts,"
5. Page 5, line 17.
Following: "in"
Insert: ", but application is not limited to,"
Following: "manner"
Strike: "or"
6. Page 5, line 18.
Strike: "other manner allowed by rule"
7. Page 5, line 28.

Committee Vote:
Yes 17, No 1.

291541SC.Hbk

Strike: "and"
Insert: "program or"
Strike: "programs"
Insert: "program, or both"

8. Page 8, line 6.
Following: "sell"
Insert: "as close to but"

9. Page 8, line 9.
Following: "unsold"
Insert: ", up to 5,500 Class B-10 licenses and 2,300 Class B-11
licenses, "

10. Page 8, line 12.
Following: "required"
Insert: "-- review committee. (1) The governor shall appoint a
committee of persons interested in the hunter management
program, the hunting access enhancement program, or other
issues related to private lands and public wildlife to
review the success and progress of the hunter management
program and the hunting access enhancement program. The
committee must have equal representation of landowners and
sportspersons and be broadly representative of the various
geographical areas of the state. The department may provide
administrative assistance as necessary to facilitate the
efforts of the review committee.
(2) "

11. Page 8, line 12.
Following: "The"
Strike: "department"
Insert: "review committee"
Following: "governor"
Strike: remainder of line 12 through "legislature" on line 13

12. Page 8, line 16.
Following: "programs."
Insert: "If the review committee determines that expanding
funding for programs for hunter management and hunting
access enhancement is desirable, consideration must be given
to providing the expanded funding through increases in
resident hunting license fees."

13. Page 9, line 26.
Strike: "4,300"
Insert: "2,300"

14. Page 11, line 1.

Strike: "(1)"

15. Page 11, line 3.

Strike: "5-year"

16. Page 11, lines 8 through 11.

Strike: subsection (2) in its entirety

17. Page 12, line 3.

Strike: "[This act] terminates"

Insert: "(1) [Sections 1 through 10 and 12 through 16] terminate"

Following: line 3

Insert: "(2) [Section 11] terminates June 30, 1999."

-END-

CHAIRMAN--KEN MESAROS
NORMAL SCHEDULE==> SITE: ROOM 402

DAYS: T,TH,S

TIME: 3 P.M. OR ON ADJOURN

SECRETARY--SERENA ANDREW

--BILL NO--	REFER DATE	HEARING DATE	TITLE/OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE	REREFERRED TO COMM	DATE READ
HB0062	2/20	3/02	PROHIBIT USE OF RIFLES DURING SPRING WILD TURKEY HUNT	CONCUR		3/09
HANSON, MARIAN				3/07/95		
HB0122	2/20	3/02	MAJORITY SUPPORT NEEDED TO DEVELOP PARK OR FISHING ACCESS SITE	TABLED ON 03/03		
RANEY, BOB			3/21			
HB0195	2/20	3/09	IMPLEMENT RECOMMENDATIONS OF GOV'S ADVISORY COUNCIL ON PVT LAND/PUB WILDLIFE	CONCUR AS AMENDED		3/22
SWANSON, EMILY			Discussed 3/16/95	3/21/95		
HB0196	2/20	3/09	GENERALLY REVISE OUTFITTER & GUIDE LAW; CREATE PROFESSIONAL GUIDE LICENSE	CONCUR		3/17
SWANSON, EMILY				3/16/95		
HB0285	1/31	2/07	EXEMPT CERTAIN OUTFITTER EMPLOYEES FROM OVERTIME LAW	CONCUR		2/08
LARSON, DON				2/07/95		
HB0288	2/06	2/28	LIMIT PERSON WHO TAKES MOUNTAIN SHEEP TO 1 LICENSE IN 7 YEARS, IN SOME CASES	CONCUR		3/02
MARSHALL, ROD				2/28/95		
HB0291	2/07	2/28	ALLOW POSSESSION/SALE/PURCHASE OF BONES OF LEGAL ELK, ANTELOPE, MOOSE, DEER	CONCUR		3/02
FUCHS, DANIEL				2/28/95		
HB0312	2/04	3/02	PROVIDE VOTER REGISTRATION FORM WHEN APPLYING FOR HUNTING/FISHING LICENSE	TABLED ON 03/08		
BRAINARD, MATT						
HB0349	3/24	3/27	CREATE THE FUTURE FISHERIES IMPROVEMENT PROGRAM	CONCUR AS AMENDED		3/28
RANEY, BOB				3/27/95		
HB0375	2/20	3/07	PROHIBIT POSSESSION AND TRANSPORT OF CERTAIN LIVE FISH AWAY FROM POINT TAKEN	CONCUR		3/15
HARPER, HAL				3/14/95		
HB0384	2/20	3/07	REVISE LAWS ON MANAGEMENT AND HUNTING OF BLACK BEARS	CONCUR		3/15
REAM, BOB				3/14/95		

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By CHAIRMAN KEN MESAROS, on March 9, 1995, at
3:00 p.m.

ROLL CALL

Members Present:

Sen. Kenneth "Ken" Mesaros, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Bruce D. Crippen (R)
Sen. William S. Crismore (R)
Sen. John R. Hertel (R)
Sen. Ken Miller (R)
Sen. Mike Sprague (R)
Sen. Gary Forrester (D)
Sen. Judy H. Jacobson (D)
Sen. Terry Klampe (D)

Members Excused: None

Members Absent: Senator Pipinich

Staff Present: Andrea Merrill, Legislative Council
Serena Andrew, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 195 and HB 196
Executive Action: None

{Tape: 1; Side: A}

HEARING ON HB 195

Opening Statement by Sponsor:

REPRESENTATIVE EMILY SWANSON, HD #30, BOZEMAN, told the committee HB 195 was the product of 18 months of work by the Private Land/Public Wildlife Advisory Council (PL/PWAC) and several members of the council would help explain the bill. The council was established by the last legislative session. She presented three documents explaining the bill (EXHIBITS 1, 1A & 1B).

Purpose of the bill was to improve access for sportsmen, provide tangible benefits to landowners who provide public access, and help outfitters become better accepted by the public. The bill was endorsed by the Governor.

REPRESENTATIVE SWANSON showed a video for background.

REPRESENTATIVE SWANSON stated that under the bill a landowner could earn up to \$8,000 to help with maintenance of his property. There would also be incentives to join the Block Management Program. The nonresident combination big game license would be put into a block on a market basis and resultant funding would go to the landowner incentive program.

INTRODUCTION OF RUSSIAN LEGISLATORS

CHAIRMAN MESAROS introduced members of the Russian Legislature, representing states east of Moscow, who were visiting the United States.

REPRESENTATIVE CHASE HIBBARD, HD #54, HELENA, said he sponsored HJR 24 (the predecessor of this bill) in the last legislative session. He hadn't wanted just another study, and thought all three interest groups were satisfied with HB 195. He heartily supported both HB 195 and 196 and asked that the committee be extremely carefully about amendments, because these bills represented a very delicate balance.

REPRESENTATIVE SWANSON said the outfitter sponsored portion of the big game combination licenses would be put on a variable priced marketing schedule. If a client were willing to pay the price, he would get a license to hunt. Also, a temporary moratorium would be placed on the net number of licensed outfitters to allow the industry to stabilize.

NINA BAUCUS, Chairman, PL/PWAC, requested the committee's support of HB 195, saying it was the result of a lot of hard work and the solution came from the people (EXHIBIT 2).

STEVE CHRISTENSEN, PL/PWAC Member from the Bitterroot, said HB 195 was a workable bill. The program would be voluntary; a landowner could lease land or charge fees. The second draft of the bill recommended that funding for landowner payments come from the variably priced nonresident combination license plus an increase of up to \$1 in resident fees. People said legislators had agreed not to raise any fees in this session and the \$1 increase in resident fees was not put in the bill. In the future, Montana sportsmen would probably have to fund this program.

KELLY FLYNN, PL/PWAC member from Townsend, said he was an outfitter, landowner and sportsman as well as a member of the council. He stood in strong support of HB 195 (EXHIBIT #3).

VERLE RADEMACHER, PL/PWAC member from White Sulphur Springs, commented that he came from the finest elk hunting district in the United States; unfortunately, that resource caused problems because large blocks of land were leased to outfitters with no public access (EXHIBIT #4).

Proponents' Testimony:

GLENN MARX, Policy Director for the Governor, told the committee the Governor supported this bill and felt the council had successfully completed a virtually impossible job (EXHIBIT #5).

{Tape: 1; Side: B}

JEAN JOHNSON, Executive Director, Montana Outfitters & Guides Association (MOGA), supported the bill as beneficial to all interested parties (EXHIBIT #6).

PAT GRAHAM, Director, Montana Department of Fish, Wildlife & Parks (DFWP) supported the bill as a compromise among all interested parties (EXHIBIT #7).

JIM RICHARD, Montana Wildlife Federation, supported the bill because the wildlife resource belongs to the people (EXHIBIT #8).

JOHN BLOOMQUIST, Montana Stockgrowers Association, remarked that his organization appreciated the efforts of the committee and supported the bill. They viewed HB 195 as establishing another option for landowners. The bill allows voluntary participation, monetary rewards and a liability shield. If the program remains a partnership among landowners, outfitters and sportsmen, resident sportsmen may be called upon to furnish a contribution - this could be a redistribution of existing fees or a fee increase as shown in a proposed amendment (EXHIBIT #9).

MAYNARD SMITH, Glen, commented that he had been involved in three block management programs for about 10 years and found them to be a great advantage. He supported the bill (EXHIBIT #10).

JACK RICH told the committee he was an outfitter and strongly supported HB 195, but was somewhat concerned about the moratorium where outfitters own more than one business.

GARY DUFFY, Gardiner, supported the bill but expressed concern because he has only one license and owns outfitting businesses in Gardiner and in the Bob Marshall Wilderness (EXHIBIT #11).

TOM YOUNGGREN, Dillon, supported the bill because he felt it represented a method of compensating landowners for losses resulting from increased wildlife numbers (EXHIBIT #12).

LANCE MELTON, Attorney for Board of Outfitters, Montana Department of Commerce, endorsed HB 195 and urged the committee

to concur. He said both 195 and 196 were crucial to the balance struck among sportsmen, landowners and outfitters (EXHIBIT #13).

TOM HAGEN, Melstone, supported the bill with the amendment provided by the Stockgrowers. He thought it essential that resident sportsmen help fund the program.

DEAN SANGREY, Idaho Outfitters Licensing Board, supported the legislation as he felt it was a good direction for the state to consider.

Opponents' Testimony:

PAT FREEMAN said he was speaking for his father and father-in-law, private property owners. He noted that this bill spoke about public access, not public recreation. He would like to see the bill fine-tuned and didn't like to see recreational access included.

Mr. Freeman commented that the bill stated a landowner/outfitter could submit no more than 10 hunting applications. He thought that provision inappropriate and arbitrary as it doesn't consider habitat or the number of acres owned. He suggested a license distribution system based on game populations.

MICHELE CARROCCIA, Sweet Grass Preservation Association, said her organization appreciated the efforts of the council but asked that the limit on landowner sponsored licenses be removed (EXHIBIT #14).

TACK VAN CLEVE, Big Timber, thought HB 195 was basically an excellent bill even if he had signed as an opponent. He urged deleting Section 10, Subsection 3 on page 11, and clarifying the fact that "public access" means "public hunting access" (EXHIBIT #15).

RON BENNETT, Great Falls, thought HB 195 was a landowners' welfare bill for the benefit of a few (EXHIBIT #16).

GARY STURM, Helena, opposed the bill because he thought the majority of sportsmen and landowners have a good relationship already (EXHIBIT #17).

STEVE HINEBAUCH, Glendive, opposed the bill. He has ranched in four different spots in Montana and has instituted some fee hunting because he was unable to make a living. He also opposed the bill because it would give DFWP more authority.

LARRY HAMMOND also opposed the bill. His ranch has always been open to both resident and nonresident hunters. He thought the limit of 10 on a ranch of 48,000 acres was unreasonable; equitable distribution should be based on acres of habitat and the number of deer on that habitat. He also suggested landowner

sponsors be grandfathered in as licensed outfitters before the moratorium goes into effect.

DEAN HARMON, Bainville, also opposed the bill because the limit of 10 would drive him out of business (EXHIBIT #18).

IRA ANDREWS, Biddle, opposed the bill because he thought it took money from one group and gave it to another, as well as expanding the power of a state agency (EXHIBIT #19).

{Tape: 2; Side: A}

TODD KLICK, Augusta, said he opposed the bill and the market-driven license system. He thought the bill was meant for outfitters on private lands.

SENATOR LORENTS GROSFIELD, SD #13, BIG TIMBER, said he was not necessarily an opponent of the bill. It was a good effort and he appreciated the difficulty of the problem. However, landowner-outfitters might have a point. While outfitters and sportsmen gained something, landowner-outfitters didn't gain anything and were restricted in the number of tags they could request. He didn't think it would be a good idea to set up an outfitter quota system.

SYLVIA HARMON said she was very pleased the Governor would like to see a better relationship between sportsmen and landowners. She has had problems with DFWP employees coming to her door with guns. If this bill should pass, it would be the end of her business. She hasn't been able to work with DFWP. She asked the committee to at least eliminate the cap of 10 applications available to landowner-outfitters.

Questions From Committee Members and Responses:

SENATOR BRUCE CRIPPEN, SD #10, BILLINGS, commented that if the committee chose to amend HB 195 it would, and hoped the council understood that. He asked what the bill meant by "public recreation."

REPRESENTATIVE SWANSON said she didn't recall putting that in the bill, and told SENATOR CRIPPEN to take it out if he wanted to.

SENATOR CRIPPEN said "access to public lands" bothered people. He said it appeared on page 5, line 16 (e), a new section.

REPRESENTATIVE SWANSON responded that they were trying to outline the considerations to be negotiated when paying compensation.

SENATOR CRIPPEN asked if a landowner would receive less money if he refused to provide access to adjoining public lands.

REPRESENTATIVE SWANSON commented that they wanted to keep it as open as possible. SENATOR CRIPPEN continued that he would like to know if a landowner would qualify for cash payments if he did everything but provide access to adjoining public lands.

REPRESENTATIVE SWANSON replied that she didn't know. Generally speaking, she thought landowners opened their own lands to public access. Presumably a hunter could pass through to public land.

SENATOR CRIPPEN asked why the council had decided on a limit of 10 certificates regardless of the number of acres owned or the quality of the game habitat.

REPRESENTATIVE SWANSON replied that the limit was on nonresident hunters. Two thousand of the six thousand B-11 deer combination available are reserved for clients of landowners. The landowner fills out a certificate and sends it to the nonresident. The nonresident submits this certificate with his license application. Of the landowners who took part, 94% sponsored less than 10. Of the 6% who sponsored more than 10, one sponsored 81. The second highest was 44. Not all applicants received licenses. The landowner who sponsored 81 hunters had only 57 successful applicants. There were 80 landowners whose hunters didn't get any licenses.

SENATOR CRIPPEN asked if these licenses could be transferred.

REPRESENTATIVE SWANSON said they could not.

SENATOR CRIPPEN asked if an outfitter could sell his license if he went out of business. **REPRESENTATIVE SWANSON** replied that the license would revert to the state. He could sell his equipment, however.

SENATOR CRIPPEN asked why the increase in resident fees wasn't included in the bill. **REPRESENTATIVE SWANSON** said the key piece of the package was the variably priced license. It was assumed that the demand for those licenses would cause the price to go up rather than down. It would give the outfitting industry stability. She thought there would be enough money at the beginning.

SENATOR TERRY KLAMPE, SD #31, FLORENCE, asked what outfitters gave up. **KELLY FLYNN** said the big game combination licenses were reduced from 5600 to 5500, but the deer combination license pool was increased by 200 licenses.

SENATOR KLAMPE asked if outfitters would be hurt because nonresident licenses would cost more. **Mr. Flynn** said some outfitters might have to lower the price of their hunts.

SENATOR KLAMPE asked if presently licensed outfitters would have any advantage from the moratorium on the number of new outfitters. **Mr. Flynn** replied, "Very definitely." Every year some outfitters go into business and some go out of business. There is no fixed number at present. The moratorium will maintain a stable base.

SENATOR WILLIAM CRISMORE, SD #41, LIBBY, commented that taking away 100 combination licenses didn't appear to be of great

assistance to business, as it caused the loss of \$250,000. He asked why it was done.

REPRESENTATIVE SWANSON responded that the reduction of 100 B-10 licenses in the pool set aside for outfitters was part of the compromise. Sportsmen have always resisted raising the number of nonresident licenses. The group with the lowest success rate was comprised of nonguided deer hunters in eastern Montana. There will be 600 more deer licenses. Many people who bought the B-10 big game combination license used only the elk portion or only the deer portion.

SENATOR JOHN HERTEL, SD #47, MOORE, asked how the landowner-sponsored permit originated.

LEO GIACOMETTO, Director, Department of Agriculture, stated that it came about in 1987 when a freshman legislator didn't feel landowners were given enough consideration for the habitat they furnished publicly owned wildlife.

SENATOR HERTEL asked how the permits benefit a landowner. Mr. Giacometto replied that any time you lose something you derive income from, it's a problem. He personally supported HB 195.

SENATOR HERTEL asked Mr. Harmon how he derived income from the landowner-sponsored permits. Mr. Harmon said he didn't have a large place, but does have 400-600 white-tailed deer. He likes wildlife and chose to go into a hunting business. He advertises only by word of mouth but receives nearly \$50,000/year from about 25 hunters. He has sponsored as many as 32 people, and hoped 70% would be drawn.

SENATOR HERTEL asked who used these tags. Mr. Harmon replied. "Nonresidents."

SENATOR HERTEL asked Mr. Freeman if he were an outfitter. Mr. Freeman said no, but like Mr. Harmon, he did sponsor hunts on his land. He has booked 14-18 hunters a year for a week or a weekend during hunting season.

SENATOR HERTEL asked how much Mr. Freeman charges. Mr. Freeman replied about \$100/day. They are all nonresidents. If the limit of 10 were passed, he would only get 5 or 6 and he has a great number of deer. He can't go into business on a full-time basis because of the moratorium. SENATOR HERTEL asked if Mr. Freeman allowed resident hunters. Mr. Freeman replied that he did, and didn't charge them.

SENATOR MIKE SPRAGUE, SD #6, BILLINGS, asked Mr. Harmon why he didn't charge Montana people. Mr. Harmon replied that he had no restrictions on Montanans - they were welcome.

SENATOR GARY FORRESTER, SD #8, BILLINGS, asked if Ms. Baucus were satisfied, as a landowner, that enough attention was given to the

section of the bill dealing with landowner certificates and if the cap of 10 were reasonable.

MS. BAUCUS replied that the council had tried to get landowner-sponsors to come and speak at their meetings but only one came. As she remembered, the original intent of the landowner permits was for Montanans to get relatives back to their home state to hunt. She thought the cap of 10 was fair.

SENATOR FORRESTER asked if it would be detrimental to the bill if the committee removed the cap on landowner sponsors. Ms. Baucus said she thought anything changing the bill could cause the balance to be lost. Landowners can always get Montana hunters on their land if they have game problems.

{Tape: 2; Side: B}

SENATOR FORRESTER asked if Ms. Baucus could supply a list of landowner sponsors. Ms. Baucus told him it was in the packet furnished to him by REPRESENTATIVE SWANSON (SEE EXHIBIT 1a). SENATOR FORRESTER commented that according to the list, a Mr. Grosfield had obtained 81.

CHAIRMAN MESAROS commented that landowners' acreages and game populations vary tremendously.

Closing by Sponsor:

REPRESENTATIVE SWANSON said there were no comparisons on the size of ranches or the habitat provided. She didn't know if a correlation existed. A high number of sponsored hunters was more likely to be correlated with the business being done. She thought the committee could see what the council had dealt with for 18 months.

The initial intent of the landowner sponsor permit was for a landowner to supplement his primary business which was agriculture. It was not intended that landowners become unlicensed outfitters. DFWP had nothing to do with this recommendation.

The council went all over the state to get ideas for this bill; she thought it had the potential of solving the problem. SENATOR HERTEL was on the advisory council and he offered to carry both bills on the floor.

SENATOR MESAROS commended the council's efforts.

HEARING ON HB 196

Opening Statement by Sponsor:

REPRESENTATIVE SWANSON told the committee she was carrying HB 196 by request of the Board of Outfitters in an attempt to better

MONTANA SENATE
1995 LEGISLATURE
FISH AND GAME COMMITTEE

ROLL CALL

DATE _____

3/09/95

[illegible]

SEN:1995
wp.rollcall.man
CS-09

HB 195 SUMMARY OF MAJOR POINTS:**NEW SECTION. SECTION 1**

- ◀ Establishes hunter access and access enhancement (landowner incentives for access) programs as part of Block Management.
- ◀ Participation is entirely voluntary and based on cooperative agreements made between the landowner and MDFWP in the same manner as Block Management agreements.
- ◀ Assistance cannot be provided to a landowner who charges fees for access to private land enrolled in the program or does not provide reasonable public hunting access to lands enrolled.
- ◀ The FWP Commission shall develop criteria by which benefits are allocated to participating landowners.

NEW SECTION. SECTION 2

- ◀ Resident landowners who enroll land in the program would be eligible to receive a non-transferrable resident sportsman's license
- ◀ Nonresident landowners enrolled in the program could receive a non-transferrable nonresident Big Game Combination license (B-10). Licenses granted in this program would not affect the quota of 11,500 nonresident B10 licenses. Nonresident landowners choosing this incentive would not receive any monetary incentives.
- ◀ The restriction on liability of a landowner, agent or tenant that is provided under 70-16-302(1) MCA applies to a landowner who participates in the hunter management program.

NEW SECTION. SECTION 3

- ◀ Establishes criteria for cooperative agreements.
- ◀ Land is not eligible for inclusion in the hunting access enhancement program if outfitting or commercial hunting restricts public recreation or hunting opportunities.
- ◀ Benefits provided to landowners enrolled in the program will be cash payments to offset potential impacts associated with general ranch maintenance, conservation efforts, public hunting access, weeds, fire, etc.
- ◀ Payments may be received directly by the landowner or directed by the landowner to local weed districts, fire districts, etc.
- ◀ Provides a maximum of \$8,000/yr. in incentives for private landowners to allow public hunting on their property.

HB 195 MAJOR POINTS

- ◀ The restriction on liability of a landowner, agent or tenant that is provided under 70-16-302(1) MCA applies to a landowner who participates in the hunter management program.

SECTION 5.

- ◀ Revenues from the b-10 and b-11 licenses sold at a variable price would be exempt from 87-1-242 MCA directing 20% of license increases to the wildlife habitat fund.
- ◀ Generally a housekeeping section with the exception of language which excludes variable priced license revenues from habitat enhancement account contribution.

SECTION 6.

- ◀ Provides for the variable priced sale of a five-year average of 5500 B 10 (Non-resident big game combination) and 2300 B 11 (Deer combination outfitter-sponsored licenses. Unsold licenses from these categories would be reallocated for drawing at a price set by the FWP Commission

SECTION 7.

- ◀ Requires DFWP reporting to the governor and each regular session of the legislature regarding the success of the program. (Offering amendment to have independent group report to Governor and Governor report to legislature)

SECTIONS 8 and 9

- ◀ Outfitter-sponsored non-resident licenses (class B-10 and B-11) will fund these programs through sale at variable rates set annually by the Montana Fish, Wildlife & Parks Commission. Prices will be set at market rate intended to sell not more than an average of 5500 B-10 licenses and 2300 B-11 licenses each year, calculated over a 5-year period. License remaining, if any, after sale may be reallocated by the commission for a drawing at a price set by the commission.
- ◀ The 2000 Landowner-sponsored licenses will be available and sold at rate as provided in 87-2-511.

Section 10

- ◀ A landowner-sponsor may not submit for or receive more than 10 licenses (class B-11) annually.
- ◀ Reiterates current regulation that non-residents hunting with landowner sponsored B-11 licenses must conduct all hunting on the deeded lands of the sponsor.
- ◀ Any permits, or tags secured as a result of obtaining an outfitter-sponsored nonresident deer or "combo" license are valid only when hunting with a licensed outfitter.

EXHIBIT 1

DATE 3-9-95

HB 195

HB 195 MAJOR POINTS

SECTION 11

- ◀ Provides for a 5-year moratorium on the issuance of new land-based hunting outfitting licenses by the Board of Outfitters.

SECTIONS 12-14

- ◀ These are sections which specify codification (where. in the statutes these laws would be placed), severability (deletes any portions not deemed legal from other portions which may be) and Saving (does not affect rights previously in effect before the bill was made law).

SECTION 15

- ◀ Establishes effective dates for Sections 5 through 9 (March 1, 1996) and sections 1-4, 10 and 16 (October 1, 1995).

SECTION 16

- ◀ Establishes a sunset date of October 1, 2001.

hjrlega3.brf

NON-RESIDENT COMBINATION LICENSE STATISTICS 14 B 195

Success Rates						
Type	1989	1990	1991	1992	1993	1994*
<u>Big Game Combination</u>						
General	100%	91%	90%	74%	67%	62%
Outfitter	100%	100%	99%	95%	91%	84%
<u>Deer Combination</u>						
General	31%	29%	24%	28%	25%	23%
Outfitter	100%	99%	80%	93%	76%	73%
Landowner	100%	99%	99%	81%	78%	69%

Number of Applicants							
Type	Quota	1989	1990	1991	1992	1993	1994*
<u>Big Game Combination</u>							
General	11,400	10,896	12,576	12,795	15,506	16,983	18,346
Outfitter	5,600	5,600	5,576	5,622	5,919	6,141	6,647
<u>Deer Combination</u>							
General	2,000	6,647	6,906	8,375	7,088	7,981	8,428
Outfitter	2,000	1,923	2,018	2,515	2,161	2,616	2,734
Landowner	2,000	1,544	2,016	2,052	2,459	2,549	2,865
Totals	23,000	26,610	29,092	31,359	33,133	36,270	39,020

* Processing as of 4/6/94

Landowners Sponsoring more than 10 (1994)

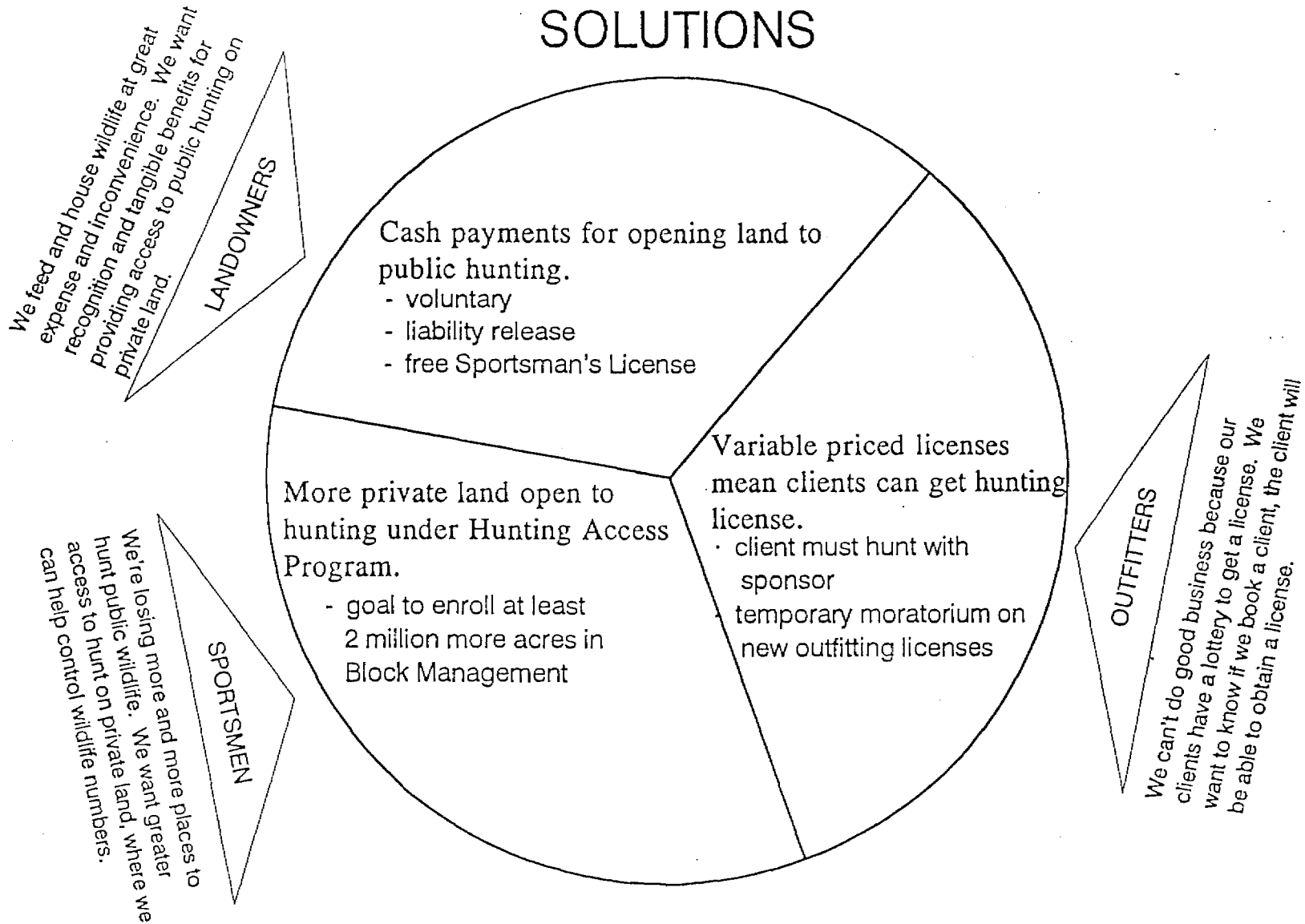
Sponsor #	Name	City	# Sponsored	# Successful
40	Grosfield, Franklin	Big Timber	81	57
205	Hansen, Vic	Ekalaka	44	37
182	Parks, Dean	Ekalaka	39	24
117	Bergtoll, Leo	Saco	38	19
1	Andrews, Ira	Biddle	32	32
236	Shoup, Paul	Billings	30	23
377	Hardy, Boyd	Fairview	27	16
21	Cox, Conrad L.	Whitewater	27	12
303	Knudson, Lars	Volborg	25	18
9	Billing, Tom	Jordan	25	17
678	Grosfield, Lorents	Big Timber	24	14
184	Richards, Wilson	Lewistown	24	18
143	Hope, Carl	Bighorn	23	8
1080	Phipps, Robert	Brusett	22	15
806	Smith, David B.	Miles City	21	18
495	Dinstel, Bruce	Alzada	21	14
175	Langhus, Sam	Big Timber	21	15
44	Henderson, David	Miles City	21	16
42	Harmon, Dean	Bainville	21	15
203	Yates, Richard	Hammond	20	11
391	Gay, William	Broadus	19	19
161	Warner, Don	Broadus	19	19
858	Allen, Harry & Ellen	Custer	18	16
849	Etchart, Joe	Glasgow	18	9
756	Beley, Larry	Big Timber	18	14
295	Lammers, Larry	Shamut	18	16
794	Billing, Leo	Miles City	17	15
788	Taber, Eugene	Shamut	17	12
875	Elderman, Dan	Miles City	16	12
480	Grosfield, Arne	Big Timber	16	14
327	Landa, Jerry	Boyes	16	15
206	Rumph, Robert	Biddle	16	12
181	Newman, Howard	Ingomar	16	9
87	Russiff, Joan/Sam	Olive	16	13
35	Gentry, Ethel/Roy	Glendive	16	10
300	Townsend, Jerry	Highwood	15	7
276	Brewer, Steve/Joann	Forsyth	15	11
209	Dvorak, Ron	Lewistown	15	9
164	Singleton, Jerry	Miles City	15	10
138	Bonefield, Roger	Camp Crook SD	15	10
722	Willson, Preston	Volborg	14	5
75	Nash, Don	Broadus	14	13
888	Econom, Tom	Winifred	13	9
310	Chamberlain, Curtis	Brusett	13	12
298	Deibel, Jack A.	Volborg	13	8
221	Coulter, Rod	Brusett	13	7
58	Keith, Jesse L.	Ekalaka	13	8
607	Walker, Emery	Alzada	12	12
469	Wankel, Tom	Angela	12	12
421	Terrett, Curt	Miles City	12	11
250	Fulton, George	Broadus	12	4
219	Bue, Reed	Reedpoint	12	8
186	Sams, Lee	Biddle	12	7
2	Arlian, Leo	Big Timber	12	7
820	Mills, Mary Anna	Boyes	11	5
759	Laird, Erland	Ekalaka	11	11
707	Mikesell, Wayne	Birney	11	5
581	Bice, Donald	Boyes	11	7
441	Schultz, Kenny	Ekalaka	11	4
340	Phipps, Curtis	Brusett	11	9
331	Bruski, Ralph	Ekalaka	11	10
324	Keyes, Wade	Forsyth	11	4
220	Cole, Arlin	Alzada	11	8
61	Kolka, Kenny	Volborg	11	1
25	Demars, Tom J.	Winifred	11	8

65
6% of
applicants

80 applicants
(7.2%)
received
NO targets

PRIVATE LANDS/PUBLIC WILDLIFE

Sponsors: Swanson, Hibbard, Hertel, Pipinich



SENATE FISH AND GAME
EXHIBIT NO. 18
DATE 3/29/95
BILL NO. 118 195

HOUSE BILL #195
PRIVATE LANDS/PUBLIC WILDLIFE
Nina Baucus, Chairman

SENATE FISH AND GAME
EXHIBIT NO. 2
DATE 3/09/95
BILL NO. SB 195

Mr. Chairman, Committee Members;

My name is Nina Baucus and I had the pleasure of chairing the Governor's Private Lands/Public Wildlife advisory council.

Following the guidelines of HJR 24 Governor Racicot appointed an 18 member advisory council of people from across Montana. Each of these people was chosen because of their expertise and varied interests in matters dealing with issues of importance to Montana's hunting heritage. The council membership included sportsmen, landowners, and outfitters as well as one ex officio member from the Forest Service, Department of State Lands, and the Bureau of Land Management. Each person who accepted a position on the council did so as an individual and not as a representative or spokesman for any special interest group. In addition, all council members made a commitment to each other to work together to find viable solutions to the issues as presented to the council in the Governor's Executive Order #6-93.

The council members chose the decision making process of consent by each member on each decision of the council with the understanding that if, for any reason consent by each member was not reached on any individual decision then they would either work harder to reach consent or throw the suggestion out all together.

At the initial meeting the council members also decided that any recommendation they might arrive at had to come from the people of Montana. With that in mind the council turned to local groups throughout the state for help in the process of gathering input from all people with concerns and interests in the issues of hunting and hunting access. Some of the local groups used by the council were already in existence and others were established. Each group was made up of sportsmen, landowners, outfitters, and department and agency people. All of them were asked to address the hunting and access issues of concern in their area and then to bring that information back to the council. As this initial information was gathered the council put together the first draft of recommendations. This was sent back to the local groups as well as to organizations across Montana for review and revision. The initial mailing list consisted of 145 names of various organizations in Montana which have interests in hunting and access issues. Each organization was asked to share all material from the council with their membership and then to respond back to the council. Copies of the initial draft and each subsequent draft were made available to the public. As individuals throughout the state began participating in the input and review process the mailing list grew to over 800 names. During the 60 day comment period which followed the mailing of the first draft the council held public meetings across the state. At these meetings council members sat down with the people to discuss the issues, the people's concerns and the people's recommendations for addressing those concerns. When the council met following the end of the first comment period copies of all public comments received were given to each council member. After studying these comments the council revisited the initial recommendations revising some, adding new ones and throwing others out so that the second draft better reflected the wishes of the people. These revised recommendations were then sent back to the people for a second

review. As with the first comment period the council again held public meetings across the state and again sat down with the people to discuss the issues and proposed recommendations. During the first public comment period the people were very vocal about the issues, their concerns and their recommendations. They also were not a bit bashful about expressing their skepticism that the council would truly listen to them or pay any attention to their comments. But when the people received copies of the second draft and found that the council did indeed listen to them they were quite surprised and pleased. They expressed a feeling that maybe this time there might be hope for some resolve for the issues dealing with hunting and hunting access in this state.

Following the second comment period the council again reviewed all of the public comments and revised the draft recommendations to reflect the comments received from the people before sending the third and final draft of recommendations out. At the end of the third comment period the council members finalized their recommendations on the issues pertaining to hunting and access in Montana as outlined in the Governor's mandate to the council. These recommendations were then sent to Governor Racicot and are now before this committee as House Bill #195.

Let it be noted that the recommendations presented to Governor Racicot by the advisory council did not come from the council. And let it further be noted that the bill which is now before you does not come to you from the Governor. The recommendations and subsequently the bill now before you come to this legislature from the people of Montana. It was the belief of the council that the only possible means of finding viable solutions to the greatly varied concerns of hunting and hunting access issues in this state was to go to the people, to listen to them, and to put together a package of recommendations from the people. The only part the council held in this process was that of listening to the people and then melding together the responses heard so that each issue was addressed from all points of view. The council took this responsibility to the people of Montana very seriously and gave equal weight to each and every comment received. Because the council was directed to address the issues on a statewide basis and from each point of view the recommendations as presented to Governor Racicot consisted of a package of balances. Every recommendation within the package was achieved in a give and take process in which the council tried to very carefully balance the concerns of all interests. In order to accomplish this all interest parties were asked to do some giving. But in return all interests received something. For this reason there is probably no one in the state who is completely comfortable with everything in HB #195. This is because no one received everything they wanted and everyone was asked to compromise in order to attain the solutions arrived at. HB#195, like the recommendations, is a collection of checks and balances. Nothing within this bill can stand on its own. And if anything is taken away the balance so diligently worked for and carefully achieved will be lost.

To those of you who will now be studying and voting on HB #195 please remember that the entire bill consists of checks and balances that come to you from the people of Montana. And that any changes to this package will upset the delicate balance which has been achieved.

Thank you.

HB 195 --- Recommendations from the Governor's Council on Private Lands & Public Wildlife

SENATE FISH AND GAME

EXHIBIT NO. 3

DATE 3/09/95

Mr. Chairman, members of this committee. My name is Kelly Flynn. I am an outfitter, landowner, and sportsperson from Broadwater County and a member of the Governor's Council on Private Lands & Public Wildlife. I stand in strong support of HB 195.

Today I come before you not just as that outfitter, or the landowner, or that sportsperson. I stand as one of many dedicated Montanans that has worked with thousands of other Montanans contributing through a consensus process to find win - win solutions for each of those groups.

HB 195 provides vital considerations for the outfitting industry while balancing those incentives with win - win results for sportspeople and landowners.

- ♦ (1) This bill addresses the most critical issue facing the outfitting industry today --- the industry's inability to secure a license for a booked client and the resulting lack of viability.

This bill which allows variable pricing of outfitter reserved licenses gives the industry the opportunity to secure a license for each booked client. Besides answering one of the outfitting industry's concerns, these variable priced licenses for the proposed 5500 B-10 & 2300 B-11 licenses will provide important considerations for both landowners and sportspeople. Additional funds generated by those licenses will go to the hunter access --- landowner incentive program. The industry must realize that the package of benefits offered to landowners will serve as a option to leasing lands to an outfitter. I wholeheartedly support this meaningful voluntary program for landowners encouraging them to maintain hunter access to their lands and keep their lands in agricultural production.

- ♦ (2) Next, this bill will provide 200 additional clients for the outfitting industry. HB 195 proposes to lower the target of B-10 (clk & deer combo) licenses from 5600 to 5500 while increasing the target average of B-11 (deer combo) licenses from 2000 to 2300. Over 18 months of deliberations, the Governor's Council has tried to balance all the recommendations. We were told there was a greater need for more deer combo licenses and we balanced out that increase by suggesting to decrease the number of clk -deer combo licenses. I believe what this bill presents in regards to those licenses is good for the outfitting industry of Montana --- there is a gain of 200 more potential clients for the outfitting industry.. Does it provide a win -win alternative for landowners & sportspeople? Yes, it does. Increased dollars from this increased number of variable priced licenses will go to support the hunter access enhancement & landowner incentive program. Additionally, to address a concern of sportspeople, this bill proposes that all permits or tags secured as a result of obtaining a B-10 or B-11 license through an outfitter sponsor are valid only when hunting is conducted with a licensed outfitter. In summary, this means that once a client finishes hunting with an outfitter, that client may not go out on his own to other parts of Montana and compete with the unguided hunters.

- ◆ (3) Last, this bill proposes a 5-year moratorium on the issuance of land-based hunting outfitter licenses. In the mid 1970's, Montana's freemarket system for the outfitting industry ended when a limitation of 17,000 was set into law. For many years, outfitter numbers stayed stable. However, in the past two years, the number of outfitters in Montana has skyrocketed. Sportpeople have become increasingly concerned as they perceived more of the lands they traditionally hunted gulped up by the outfitting industry. The outfitting industry has become increasingly worried about their economic viability and social acceptance as their numbers have skyrocketed. The issue of protection of the **public welfare** has stepped to the front. This moratorium calls a "**timeout**" for everyone to focus on this issue and see how all the changes from HB 195 & 196 would protect the hunting resource, public health, public safety, and public welfare.

There is no doubt that there are individuals --- outfitters, sportpeople, and landowners--- who will stand today and oppose some part of this package . . . and that is all right. I only wish that everyone could have participated in the last 18 months of deliberations . . . and yes, I do know that some of those detractors did share their views. However, I do know that many Montanans have expressed their ideas over the past 18 months and this bill is a carefully blended mix of many of those folk's suggestions.

Mr. Chairman, members of this committee. This bill is that thoughtfully balanced series of recommendations providing win - win provisions for outfitters, sportpeople, and landowners. I strongly urge your support of HB 195.

Testimony in Support of HB 195

by Verle L. Rademacher,
Private Lands/Public Wildlife Council Member

Chairman Mesaros, Members of the Senate Fish and Game Committee and fellow Montanans:

I am excited to appear before this committee and lend my support to this legislation. As a member of the Private Land/Public Wildlife Council, it was my privilege to see Montanans work together to come up with ideas that will benefit sportsmen and women, landowners and outfitters. This is a win/win solution for all!

What we have worked out has some important benefits for landowners in the Block Management and Hunting Enhancement Programs. These are voluntary programs with financial benefits to those landowners who enroll in the programs to provide hunting opportunities.

The first common sense courtesy extended to landowners was to make available a resident Class AAA Sportsman's license to those who have enrolled their land in the hunter management program. For nonresidents, as an inducement and as a recognition of their effort to share their lands with resident sportspeople, a nonresident Class B-10 big game combination license will be made available. These do not affect the quota of 11,500 nonresident Class B-10 licenses.

Neither license can be transferred by gift or sale. They are given only to landowners of record and only after a cooperative agreement between the landowner and the department that will guarantee reasonable access for public hunting is signed.

Resident landowners can receive assistance in block management and also the hunting enhancement program. Nonresidents can receive assistance in block

management only. They would not be eligible for the added monies of the hunting access enhancement program.

Those who enroll in these programs have an important added benefit—guaranteed restrictions on liability of the landowner, agent or tenant. That alone can take much of the worry from a landowner's shoulders who allows hunting under these programs.

The Council has worked out funding. These programs are to be funded through the sale of the variable priced nonresident B-10 and B-11 licenses for outfitter sponsored hunters. The cost over and above the normal B-10 and B-11 license costs will go into a fund to cover the cost of the block management and hunting access enhancement program.

In short, landowners have inducements to open their lands to sportsmen, the sportsmen and women obtain more areas to hunt and outfitters have an opportunity to obtain licenses for their guided clients. Win/win solutions for all sides!

These are just a few of the benefits of the legislation before you and the recommendations the Private Lands/Public Wildlife Council sent to Governor Racicot. These common sense solutions were worked out in compromises arrived at by listening to the Montana landowners, sportsmen and outfitters who gave their input into the final agreement.

Let me leave you with an admonition that was relayed to us as we began the process of working on this Council. The time frame for compromise among landowners, sportsmen and outfitters is short. We have only a few years to work these problems out while we can still talk to one another and make compromises. The Council has done the work it was called upon to do and have put together something that will work. I caution you to be very, very careful in doing anything to this legislation that will upset that delicate balance of compromise that we have arrived at. This is, I believe, the most important piece of fish and game legislation that you will handle this session. Thank you.

Testimony In Support of House Bill 195
March 9, 1995

Glenn Marx, Governor Racicot's Office
Senate Fish & Game Committee

SENATE FISH AND GAME

EXHIBIT NO. 5

DATE 3/09/95

BILL NO. HB 195

Mr. Chairman, for the record my name is Glenn Marx and I serve as policy director for Governor Marc Racicot.

Of all the legislatively-created groups that have labored the past two years, none was more important to Governor Racicot than the Private Lands/Public Wildlife Advisory Council. And none deserves more admiration or gratitude.

The Advisory Council had a virtually impossible job to do. They were told to pick through the sportsman-landowner wreckage that occurred during the 1993 Legislative Session, find whatever shards of hope or trust still existed, and march forth into a black hole of anger to fix the hemorrhaging problems of landowner-sportsmen conflict over private lands access.

The result? Not only has the Council moved forward, they have flourished and produced nothing short of a minor miracle.

Governor Racicot and I watched the Council struggle through each painful decision, each difficult issue, each arduous task. And make no mistake, they struggled. But they never gave up. They never lost sight of their goal, and they accomplished their goal.

So I can give absolute assurance that the Governor offers his profound compliments and gratitude to Chair Nina Baucus and each and every Advisory Council member. They have stepped into the breach, took the heat, and through sheer guts and perseverance, performed a great service to Montanans. They represent a shining example of the good faith, the honest purpose and the sense of community that can still, thank goodness, be summoned in Montana for the public good.

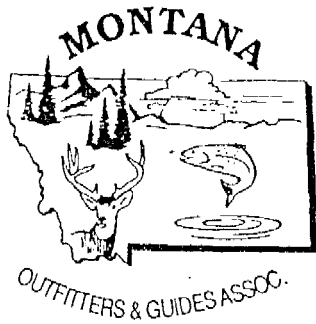
The Council's outstanding performance has produced a package of recommendations that has resulted in the bill before you today, House Bill 195.

The Governor strongly supports the package--and I want to emphasize the word package--embodied in House Bill 195. The obvious temptation is to nitpick and tweak this package. All of us in this room can find something in this bill to oppose. But the bill represents a very, very fragile agreement. A tweak here, a tweak there, and the package can unravel. Which would be tragic, tragic for hunters, landowners, outfitters, Montana wildlife, and even, to a degree, Montana's economy.

A hunting access enhancement program, the creation of tangible benefits for landowners who provide access, the protection of wildlife habitat, a market based hunter license system, a

moratorium on outfitters licenses...each of them, in a stand alone bill, create warfare. Together, they create compromise, even, perhaps, harmony. Most importantly, this bill represents constructive and promising progress on landowner-sportsmen relations at a time when promise is sorely needed.

Mr. Chairman, the Governor congratulates the Council on its fine work, its consensus process, its aggressive public involvement program and its balanced set of recommendations. He strongly encourages passage of House Bill 195.



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"Where respect for the resource and a quality experience for the client go hand in hand."

SENATE FISH AND GAME
EXHIBIT NO. 6
DATE 3/09/95
BILL NO. 212 195

HB 195 — Senate Fish and Game
March 9, 1995

Mr. Chairman, members of the committee, for the record, my name is Jean Johnson. I'm the executive director of the Montana Outfitters and Guides Association, a position I've held for nearly four years.

We applaud the council's work. They had a most difficult task to do and tremendous pressure from all sides. The results of that effort — HB 195 — is a remarkable beginning.

HB 195 represents a beginning for everyone — landowners will finally have a real alternative to outfitting; sportsmen and women will have more private land on which to hunt. And outfitters will have a license for their booked clients.

As remarkable as it is, please don't think HB 195 represents the final solution for outfitters. It doesn't. There are too many unknowns, including the impact that comes from other states with the price of their own licenses, their deadlines, the reputation of their wildlife and so on.

The cornerstone of HB 195 is the variable priced, market-driven license for guided nonresidents. We have a major concern with the variable priced license, and it has to do with the reality of an eventual \$1,000 license:

- When the ordinary, blue-collar hunter can no longer afford the cost of the license, outfitters will find themselves offering a service that is focused on racks more than the campfire experience. Believe it or not, the majority of Montana's traditional outfitters prefer to guide the true sportsman, the "fair-chase" hunter. When the traditional Montana outfitter is unable to serve the traditional nonresident hunter, the dynamics of the industry will shift.
- And when the cost of hunting becomes just too high, the hunting public will hang up its rifles and that's when we all lose — and the anti-hunter wins.

Right now, today, HB 195 applies a tourniquet on the outfitters' steady flow of lost clients. We need it desperately.

And it puts three groups — landowners, sportsmen and outfitters — are on the roa, and most importantly, they are walking together.

I want to share with you an example that shows that the consensus Rep. Swanson started and the council lived by is still working: When we presented our amendment to return the number of B-10 licenses to the original 5,600 to the Montana Wildlife Federation, they indicated they would not oppose our request. We appreciate that. We are indeed on the road and we need to stay on the road.

When HJR 24 was passed two years ago, I was skeptical. And when Rep. Swanson amended the resolution to include the consensus clause, I was scared. But we were determined to give the process a fair hearing. And thanks to Governor Racicot's innate sense of fair play and his wisdom in selecting the members of the council -- and because Chairman Nina Baucus has a cool head and fair hand -- and because two outfitters — Kelly Flynn and Russ Smith — gave up countless hours to carry the message for their profession, we have emerged from the process with something that deserves a chance. I wish we had the time in this hearing to tell you how hard the other council members worked and how willing they were to listen to us. Without exception, each one was unfailingly courteous and willing to hear our story.

I urge you to consider the work that has been done to date and to pass HB 195.

House Bill No. 195

March 9, 1995

Testimony presented by Pat Graham
Montana Fish, Wildlife & Parks
before the Senate Fish and Game Committee

Twelve different bills were introduced regarding issues of private land and public wildlife during the last legislative session. None of those bills were successfully enacted. The resulting gridlock was addressed through House Joint Resolution 24 which asked the Governor to appoint a citizen council composed of people representing the interests of landowners, sportspersons and outfitters.

House Bill 195 is the result of over 18 months of remarkable work on the part of the diverse group of citizens that made up the council. It also is the result of a great deal of input and advice from individual private citizens, local working groups, agencies and nonprofit organizations.

Hunters are concerned about diminishing access to private and public land for hunting opportunities. They have supported through regulations, license fees and personal contributions the rebuilding of Montanan's wildlife. Landowners are concerned about the number of game animals on their lands, and the lack of economic incentives to allow public hunting. They feel their contributions to sustaining wildlife are often overlooked. Outfitters are concerned about stabilizing their industry and having greater assurance their clients will get licenses.

Hunting is the primary means through which the state controls populations of big game animals. Access is fundamental to maintaining the balance of wildlife numbers, landowner tolerance and hunters' desires. Lack of access on adjoining lands can cause problems for landowners as well as hunters. Few acres open also concentrates hunters on fewer lands further stressing a landowner's tolerance.

This proposed legislation is the result of a consensus process by the council. It addresses each group's concerns and by necessity required compromises from all interests. No one gets everything they want in this bill and all have to give something up. However, this legislation offers significant, positive progress in addressing the concerns of landowners, sportspersons and outfitters.

The hunter access enhancement program (landowner incentives for access) established by this bill would be part of the existing Block Management Program. This proposed program is entirely voluntary for all participants and based on cooperative agreements made between the landowner and the Department in the same manner as

Block Management. Block management is an existing program that is popular with both landowners and sportsmen. In 1994 3.2 million acres of private land were enrolled in this program by Montana landowners. If the addition to the Block Management program proposed in this bill is passed, we believe we could increase the acreage significantly.

The Department supports providing tangible benefits to landowners enrolled in the program to mitigate potential impacts associated with public hunting access. These impacts may affect general ranch maintenance, weeds, fire protection, etc.

Sportspersons, landowners, outfitters and other interested parties will help develop criteria for allocating benefits among participating landowners. The Fish, Wildlife & Parks Commission will use an advisory committee to develop criteria for allocation of benefits. This process will be similar to that used successfully in developing rules for the Block Management program thereby providing a voice for all interests.

Nonresident landowners who own sufficient acreage of land in Montana for hunting often acquire the land for their own recreational use, and it is anticipated that few would open their lands for public access by enrolling in the program. I would anticipate that very few landowner licenses would be issued.

The Department understands concerns of landowners regarding the potential for increasing their liability when enrolling in a hunter access program in which the landowner receives consideration for allowing public access. The liability coverage provided landowners allowing free access under 70-16-302 (1) MCA will extend to landowners enrolled in this program.

The Department supports the creation of variable priced licenses for B-10 nonresident combination licenses (elk/deer) for outfitter sponsored clients and for B-11 nonresident deer combination licenses for outfitter sponsored clients. This proposed license structure serves three very important purposes:

1. Provides a source of revenue for funding the proposed access enhancement program.
2. Helps stabilize the outfitting industry by solving concerns of outfitters that clients booked for hunts do not always draw a license in the current drawing system.
3. Provides nonresident hunters choosing to obtain a license through an outfitter sponsor, the assurance of getting a license.

This proposed license structure still limits the number of licenses for outfitter sponsored clients by using a flexible price structure to hold buyer numbers to a five year average of 5,500 B-10 licenses and 2,300 B-11 licenses.

The nonresident hunter can still choose to apply for a license in the general nonresident pool, in which case they would pay the same price as exists in law now.

While the Department does not know the exact amount a variable priced license structure would generate, we believe that it would be in excess of one million dollars annually. Resident hunters currently contribute nearly \$1 million in incentives provided annually to landowners (\$500,000 block management, \$350,000 game damage, and \$110,000 predator control). Resident fees have increased 50 percent since 1991 with part of those increases going to these programs. The Department believes that any future increases in funding for the hunting access enhancement program should come from increases in resident license fees. However, I believe that increases in resident license fees are not necessary at this time.

The increase of the total number of nonresident deer licenses from 6,000 to 6,600 poses no major biological problems at this point in time. Deer populations are healthy. The Department issued 161,855 resident deer "A" licenses in 1994 and an increase of 600 licenses for nonresidents represents four tenths of a percent (0.004) increase. Likewise the switch of 100 nonresident B-10 combination licenses from the outfitter set-aside pool to the general nonresident drawing pool is not opposed by the Department. Pressures to reduce access as a result of the increased license should be offset by the funding provided to the landowner incentive program.

The landowner sponsor statute (that allows landowners to sponsor nonresident hunters for a separate drawing for B-11 nonresident deer combination licenses was in part intended as a means of allowing nonresident friends and family of landowners a greater chance of drawing a hunting license. The increased interest in using these licenses has reduced the drawing success and has reduced the chance of some landowners to sponsor friends and family members. The Department supports the proposed limit of 10 as the number of licenses a landowner sponsor may submit or receive per year.

The Department supports the language requiring reporting to the Governor and to each regular session of the legislature on program success. This is a new program and improvements can be made as experience is gained. Likewise, the Department does not oppose the bill's sunset provision of October 1, 2001.

The Department recognizes that this bill is not the answer to all the private land/public wildlife issues. However it is a significant step in the right direction where the interests involved have moved from outright conflict to building a program on common ground. The Department wholeheartedly supports this bill and lauds the efforts of all the Montana citizens involved in developing this legislation.

MONTANA WILDLIFE FEDERATION
Testimony on HOUSE BILL 195
House Fish and Game Committee

SENATE FISH AND GAME
EXHIBIT NO. 8
DATE 3/09/95
BILL NO. 222 195

I am Jim Richard, with the Montana Wildlife Federation

I want to commend the Private Land/Public Wildlife Council for 18 months of intensive work on some very divisive and contentious issues.

Montana Wildlife Federation supports House bill 195, which, in part, will implement some of the recommendations of the Governor's Private Land/Public Wildlife Advisory Council.

Our support comes after a great deal of soul-searching, and extensive discussions with our local affiliate clubs.

To put our position in perspective, it is important to understand that for most of this century, the wildlife resource in North America has been recognized as belonging to the public, and that the state serves as the trustee for that fish and wildlife. The people of the United States, and especially Montana, have almost religiously embraced the principle that we all shall share equally in this unequalled public resource. The fish and wildlife are to be enjoyed by all people, without regard to class, privilege, wealth or means.

This doctrine, uniquely North American, is clearly distinct from the class system of Europe, where wildlife is enjoyed by those of wealth, royalty and privilege.

With few exceptions, Montana has steadfastly resisted the temptations to allocate our fish and wildlife based on economics or commerce. We violated this principle when we created a bighorn sheep permit auction, and then a moose permit auction, to give permits to the highest bidder. When we set aside 5600 nonresident big game combination for the exclusive use of hunters who book with commercial outfitters, we did so to benefit an economic interest, not to equitably allocate licenses among nonresident hunters.

The key element of the Council's recommendations is the variable-priced license for outfitted nonresident hunters. This element is the linchpin that holds the entire package together.

This proposal would allocate nearly 1/3 of the 17,000 nonresident combination licenses based on a market-driven system that GUARANTEES a license to any nonresident willing and able to pay. This linchpin of HB 195 - the variable-priced license - further expands the existing class system among nonresident big game hunters.

We sportsmen and women have had a very difficult time accepting this transgression of our cherished doctrine.

The Montana Wildlife Federation is supporting HB 195, not necessarily as a long term solution, but as an excellent interim measure for the 5-year term of the legislation. The Private Land/Public Wildlife Council worked a virtual miracle to reach consensus in 18 months on volatile issues that have divided three constituencies for years. We hope that the package embodied by HB 195, which offers benefits to all parties, can create a civil atmosphere over the next 5 years that will allow the various constituencies time to deliberately and thoughtfully continue to find solutions consistent with basic Montana values and principles.

Time is a great healer and educator. We believe that we all are obliged to honestly and in good faith work with, experience and examine the innovative approach of HB 195 over the next 5 years.

Our support for HB 195 is based on the premise that the proposed legislation will proceed as introduced, and will not be amended.

AMENDMENTS TO H.B. 195

SENATE FISH AND GAME

EXHIBIT NO. 9

DATE 3/09/95

BILL NO. 216 195

1. Page 8, Lines 28-29:

Strike in their entirety.

Insert: "Such funding must be provided by an increase in resident hunting license fees, or a redistribution of existing resident hunting license fees."

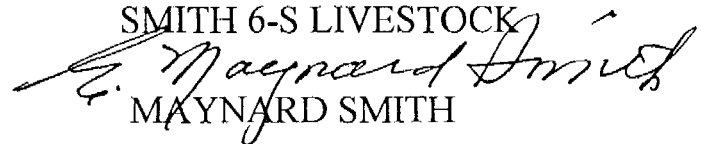
TESTIMONY HB 195

March 9, 1995

I support HB195 for the following Reasons:

1. It is voluntary
2. Wildlife numbers are at an all time high, using private forage a good part of the year. Establishing more Block Management Areas (BMA's) will increase hunting opportunities for the sportspersons, thus holding game numbers in check . It will help compensate the landowner for some of the costs associated with less available feed for livestock, the contamination of noxious weeds that are spread by vehicles, and the destruction of range improvements (fences) by wildlife and increased hunting pressure.
3. I feel the burden of paying for these BMA's should be borne by the local sportspersons, not the out of state hunters, since from my experience the BMA's are used mainly by the local sportspersons. Also some of the funds should be used to hire more game wardens to help protect the private property and livestock in the BMA's.

SMITH 6-S LIVESTOCK


MAYNARD SMITH

SENATE FISH AND GAME
EXHIBIT NO. 11
DATE 3/09/95
BILL NO. 216 195

NAME Gary Duffy

ADDRESS _____

HOME PHONE _____ WORK PHONE _____

REPRESENTING _____

APPEARING ON WHICH PROPOSAL? _____

DO YOU: SUPPORT X OPPOSE _____ AMEND ✓

COMMENTS:

I would amend this bill - the part that addresses the moratorium. As written, this part of the bill may not address the situations in which an outfitter owns more than one business. As written, if one business is sold, there may not be a way for the buyer to obtain an outfitter license, hence there could be no sale. It has been unlawful for an outfitter to possess more than one outfitter license.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

My name is Tom Younggren. My wife, Elizabeth, and I ranch on Horse Prairie, 45 miles southwest of Dillon in Beaverhead County. We support HB 195.

Our ranch, the Lazy E-4 Cattle Co., consists of about 7,000 deeded acres. In the last ten years there has been a dramatic increase in elk numbers in our area; maybe more than 300%! In the mid 1980s it was very rare to see a large herd of elk at anytime. Now it is very common to see herds of 200 to 400 elk in the winter. Elk are prevalent all year long on the ranch. There are elk in the hay meadows, the creek bottoms and in the hills all summer.

They eat grass and hay and wreck fences. The loss of livestock forage, man hours of fence repair, and other costs amount to thousands of dollars a year for us.

This bill is a first step in addressing the problem of finding a way to adequately recognize and compensate private landowners for unchecked wildlife damages to our livelihoods. It is time for the public through the Fish, Wildlife and Parks Department to explore ways of doing something to redress the very real and substantial dollar losses that result from increased wildlife numbers.

respectfully submitted
Tom Younggren



MONTANA DEPARTMENT OF COMMERCE

Professional and Occupational Licensing Bureau
111 North Jackson PO Box 200513
Helena, MT 59620-0513

SENATE FISH AND GAME
EXHIBIT NO. 13
DATE 3/09/95
BILL NO. 212 195
Phone: (406) 444-9797
FAX: (406) 444-1667
TDD: (406) 444-2978

March 8, 1995

Chairman Mesaros, Committee Members
Senate Fish and Game Committee

Subject: House Bill 196

Dear Chairman Mesaros and Committee Members:

I am Lance Melton. I am an attorney with the Department of Commerce, here on behalf of the Board of Outfitters to speak in favor of House Bill 196. House Bill 196 is a bill presented by request of the regulatory board that oversees the outfitting industry. House Bill 196 has been negotiated with the affected individuals, which is demonstrated by the endorsement of the private associations representing both land based and water based outfitters and guides.

House Bill 196 has the approval of the Governor's Office in its entirety, which was obtained through the executive planning process. In addition, the Governor has re-confirmed his support for major portions of House Bill 196 through his endorsement of the final proposal of the Governor's Task Force on Private Lands/Public Wildlife. The final task force proposal endorses every aspect of the bill with the exception of the new classification for "professional" guide. The Task Force was not opposed to the classification for professional guide, but did not address the issue in its public hearing process. The remainder of House Bill 196 is addressed and endorsed in the final recommendations of the Task Force.

House Bill 196 had considerable bipartisan support in the House, passing on a 63-37 vote on Third Reading. There were amendments to the original version of the Bill that were adopted by the House Fish and Game Committee, and by the House on Second Reading. These amendments do not substantially alter the original purpose or effect of House Bill 196, and the Board has acknowledged that these amendments were appropriate. The version of House Bill 196 that you have before you today is ready for your consideration without further amendments.

House Bill 196 provides the regulatory board with the necessary authority and statutory guidelines to effectively protect the public health, welfare and safety from unethical and illegal outfitting. This authority is a cornerstone of the final recommendations of the Task Force, and is crucial to the balance struck between the sportsmen, landowners and outfitters under House Bill 195.

On behalf of the Board of Outfitters and the Department of Commerce, we respectfully request that this Committee issue a "do concur" recommendation to the full Senate. As the drafter of House Bill 196, I am available to answer any legal questions regarding the bill. Bud Solmonsson, the Executive Director for the regulatory board, is also here to answer any questions regarding the regulatory program.

Sincerely,

Lance L. Melton
Legal Counsel, Department of Commerce

**GOVERNOR'S ADVISORY COUNCIL
ON
PRIVATE LAND/PUBLIC WILDLIFE**



**RECOMMENDATIONS
TO
GOVERNOR MARC RACICOT**

December 6, 1994

III. RECOMMENDATIONS FOR MAINTAINING A VIABLE HUNTING OUTFITTING INDUSTRY

In dealing with the issue of maintaining a viable hunting outfitting industry in Montana, the Private Land/Public Wildlife Advisory Council recognizes that solutions to hunting outfitting issues must provide, in part, answers to the other issues facing the council. It is important to emphasize that the Council's proposal is an interwoven package. The long-term result of the following recommendations will be better control of the growth of the hunting outfitting industry while simultaneously providing viability. The following recommendations also propose a funding mechanism for increased tangible benefits to landowners who allow reasonable hunting access. Increased access for non-outfitted hunters to private lands is thus provided.

•1) MANAGEMENT OF OUTFITTING AND RESOLUTION OF CONFLICT

R12

The Council recommends that the Board of Outfitters have authority to develop rules for review of new operating-area plans and expansions to existing operating-area plans to determine if the intended use would present an undue conflict with other uses of a particular area. This could allow the Board of Outfitters to tie a license to a specific geographical operating area and could provide for more effective management of outfitters to reduce outfitter/sportsperson conflicts. In addition, the Council recommends that the Board of Outfitters carefully review the criteria and requirements for licensing outfitters in order to stabilize the industry and to preserve public health, safety, morals, and welfare.

In order to maintain the total number of licensed outfitters at the 1994 level the Council urges the Legislature to impose a statutory moratorium on the number of outfitter licenses for no more than 5 years. This would be done to allow time to evaluate the impacts on the wildlife resource and public welfare as a result of creating a variable-priced outfitter client hunting license (see R-14 on page 14) and changing the outfitter licenses set-aside program. After the effective date of moratorium approval, the state will issue no additional outfitter licenses. Special criteria for the sale of outfitting businesses during the moratorium must be developed by the Montana Board of Outfitters.

•2) NONRESIDENT HUNTERS SPONSORED BY AN OUTFITTER FOR THE OUTFITTER SET-ASIDE LICENSE MUST HUNT BIG GAME WITH THAT OUTFITTER

R13

Current law states the nonresident hunter sponsored by a licensed outfitter for the outfitter set-aside drawing "must intend" to hunt with that outfitter. The Council recommends that Montana law (87-2-505, 87-2-510 AND 87-2-511) be amended to state that a nonresident hunter sponsored by a licensed outfitter must hunt big game with the licensed outfitter who certifies the nonresident for the set-aside drawing or hunt with a substitute licensed outfitter upon written approval of the Board of Outfitters. If the nonresident hunter chooses to hunt one of the big game species on his/her B-10 Combination Big Game License without the services of his/her

sponsoring outfitter, then that hunter must hunt with another licensed outfitter. Any special deer or elk permits or tags secured as a result of obtaining a nonresident combination license would be valid only if the hunter hunts with a licensed outfitter. In addition, the Council recommends that clients must hunt within the licensed outfitters' specific operating areas. (This provision would eliminate the possibility that a client could hunt some big game with a licensed outfitter and could also hunt big game in other areas of Montana in competition with the rest of the hunting public. It also ensures that hunters who utilize the outfitter set-aside pool enlist their sponsoring licensed outfitter's services or not hunt. However, nonresident hunters who do not want to limit their hunting opportunities to those provided by their licensed outfitter may choose to apply for a hunting license from the general license pool for nonresidents. A hunter with a license from the general license pool could book a licensed outfitter for one portion of a hunt and hunt independently for the other portion.)

3) VARIABLE-PRICED NONRESIDENT HUNTING OUTFITTER CLIENT LICENSES

The Council recommends that legislation be enacted to establish a variable-pricing structure for nonresident hunting outfitter sponsored Big Game Combination and Deer Combination licenses.

Structuring the licenses this way could accomplish the following:

- Maintain stability in the outfitting industry.
- Increase competition between outfitters, thus limiting growth in the industry.
- Provide money to fund public-hunting access while maintaining lower priced licenses for other nonresident hunters.
- Maintain the current level of outfitter clients.

Currently, hunters or outfitters submit applications for licenses. A computerized drawing determines who receives a license because there are more applications than licenses available. Outfitters therefore can not be certain each client booked will receive a license. Thus, the incentive is for outfitters to lobby to increase the number of licenses available as the primary means to stabilize or increase their business.

Under this proposal, nonresident hunters who book with an outfitter would be able to purchase a license during a limited time period each spring. The price of the licenses would vary based on demand, to ensure an average over a 5 year period of 5,600 Big Game Combination Licenses and 2,000 Deer Combination Licenses (fishing and upland gamebird license are included in each combination license).

4) **FUNDS GENERATED FROM VARIABLE-PRICED LICENSES WOULD BE USED FOR INCREASED PUBLIC ACCESS**

R15

The nonresident, outfitter-sponsored, and variably priced 5,600 Big Game Combination Licenses (or B-10 licenses), and the nonresident, variably priced outfitter-sponsored, 2,000 Deer Combination Licenses (or B-11 licenses), would create increased revenue by being sold at a higher price than the general nonresident licenses. General B10 licenses for nonresidents not booked with an outfitter would be left at the current price of \$475. General B-11 licenses would remain at \$245. The Council recommends that FWP develop a "Private Land/Public Wildlife" program for funds generated via variable-priced licenses. Increased revenues would be used to fund the landowner benefits portion of the enhanced Block Management Program and other recommendations. This "Private Land/Public Wildlife" program would be administered and implemented by FWP through the enhanced Block Management Program (see R1, Page 7).

EXHIBIT 13
DATE 3-9-95
HB 195

If the variable-priced B-10 license costs each outfitted client an additional \$150, and if all 5,600 licenses are sold, there would be \$840,000 generated for the program that provides tangible benefits to landowners who allow public-hunting access. If the variable-priced B-11 license costs each outfitted client an additional \$150, and if all 2,000 licenses are sold, there would be \$300,000 generated.

The goal for this enhancement to Block Management is to add an estimated additional 2 million acres of private land to the Block Management program.

5) **REDUCE NUMBERS OF NONRESIDENT DEER/ELK COMBO LICENSES AND INCREASE NUMBER OF NONRESIDENT DEER LICENSES.**

R16

Reduce the nonresident outfitter set-aside B-10 Big Game Combination Licenses (deer/elk) from 5,600 to 5,500. The total nonresident Big Game Combination Licenses state-wide would still be 17,000. Increase the nonresident nonoutfitted B-10 Big Game Combination Licenses from 11,400 to 11,500.

Increase the number of B-11 nonresident Deer Combination (deer/fishing) Licenses set aside for outfitted clients by 300 (from 2,000 to 2,300). Increase the number of B-11 nonresident nonoutfitted Deer Combination by 300 (from 2,000 to 2,300). Landowner sponsored B-11 nonresident deer hunting licenses would remain at 2,000. Thus, the total number of nonresident deer licenses state-wide would increase from 6,000 to 6,600.

(Note: If this recommendation is approved, it would affect the numbers of variable-priced licenses accordingly that are shown in the previous recommendation, R-15).

•6) **INCREASE AUTHORITY, FUNDING & PERSONNEL FOR BOARD OF OUTFITTERS**

R17

The Council recommends that legislation be enacted to increase the authority, funding, and FTEs (Full-Time Equivalent Personnel) for the Board of Outfitters. For example, this increased authority would prevent circumvention of fines and provide board personnel legal powers to issue citations. The number of FTEs to be added would be 3.20. Funding for the Board of Outfitters comes from fees charged to outfitters and guides and funding for this increase should be drawn from the same source.

Senators,

My name is Michele Carroccia. I am here on behalf of the Sweet Grass Preservation Association and my own family. We appreciate the time, effort and compromise that have gone into HB 195. However, we have several points of concern:

Section 10, item 3 limits the number of licenses any landowner can sponsor to 10. A good number of us who use those licenses are on family ranches. It will work quite an economic hardship on us to be cut back to 10 licenses. We depend on hunting income to supplement the cattle business, and to help make it possible for two of our sons to come back to the ranch to make it their home also. We have made every effort to work with resident hunters, whom we allow to hunt at no charge. We are careful to restrict the number of hunters in any one day so that optimum hunting is available, and to do our best to prevent hunting accidents. Many ranches in the state operate the way we do and are equally dependent upon hunting as a source of supplemental income.

The monetary problem appears to be addressed by the block management of the Fish, Wildlife and Parks with the payment of variable fees to ranchers participating in their program. The choice between economic hardship and "selling out" to the Fish, Wildlife and Parks isn't much of a choice! In fact, it appears to be a governmental takings for the FWP to "manage" private land for hunting under this kind of duress. To reduce those of us who want no part of Fish, Wildlife and Parks management of our land to 10 licenses seems punitive at best.

For this Legislature, which has begun such a commendable job of protecting private property rights, this seems to be a step backwards. To satisfy recreational hunters at the expense of the partial livelihood of landowners is a badly misplaced value system. Therefore, I am requesting that, before this bill leaves the committee, you strike the limit on landowner sponsored licenses available to each landowner or, at the very least, that you substantially increase the number of licenses available to each.

Thank you for your consideration.

EXHIBIT NO. 15
DATE 3/09/95
BILL NO. 218 195

MY NAME IS TACK VAN CLEVE, AND MY FAMILY HAS BEEN RANCHING ON THE SAME OUTFIT NEAR BIG TIMBER FOR 113 YEARS. NEVER, EVER, HAVE WE CHARGED ANYONE - IN-STATE OR OUT - FOR THE PRIVILEGE OF HUNTING ON OUR 22,000 ACRES.

SO WHY AM I HERE TESTIFYING IF THIS BILL DOESN'T AFFECT ME? BECAUSE IT DOES AFFECT ME! SOME ELEMENTS OF THIS BILL CONTRIBUTE TO THE EROSION OF PROPERTY RIGHTS.

FISH, WILDLIFE AND PARKS WANTS TO CONTROL, THROUGH THE ISSUING OF LICENSES AND THE PROVISIONS OF THIS BILL, JUST WHO WILL HUNT IN THIS STATE. THIS IS DISCRIMINATORY. THEY SAY THAT THE GAME THAT GRAZES ON PRIVATE LAND DOES NOT BELONG TO THE LANDOWNER WHOSE FEED IT CONSUMES: HOW THEN CAN THEY MAINTAIN THAT THE GAME THAT RANGES IN MONTANA BELONGS SOLELY TO THE STATE, AND NOT TO THE UNITED STATES AS A WHOLE?

IF I WERE AN OUT- OF- STATE HUNTER, I THINK I MIGHT CHALLENGE MONTANA'S POSITION AS UNCONSTITUTIONAL. IF YOU CAN DENY HUNTING PRIVILEGES BASED ON RESIDENCE, WHY NOT BASED ON COLOR OR RELIGION, OR MARITAL STATUS?

YET, THE FISH, WILDLIFE & PARKS WOULD DENY THE LANDOWNER-OUTFITTER, THROUGH SECTION 10, subsection 3, lines 1 & 2, THE SAME RIGHT TO SAY HOW MANY HUNTERS - OF WHATEVER STRIPE - HE CAN TAKE OUT ON HIS OWN LAND FOR A FEE. WHEN WILL THEY TRY TO EXTEND THIS SAME AUTHORITY OVER THE NON-OUTFITTING RANCHER WHO MAY PREFER OUT-OF-STATE HUNTERS OVER THE LOCAL VARIETY?

CONSIDER - EVERY POUND OF GAME TAKEN, IS AN EQUAL AMOUNT OF COMMERCIALLY-PRODUCED MEAT NOT BOUGHT. AND IN THIS ERA OF 75¢ CALVES, MANY PRODUCERS MAY HAVE TO TURN TO OTHER MEANS TO REMAIN VIABLE OPERATIONS. FOR SOME THIS WILL MEAN TURNING TO FEE HUNTING, AND THEY MUST HAVE EVERY OPTION IN THAT REGARD OPEN TO THEM. I URGE YOU STRONGLY TO DELETE SECTION 10, SUBSECTION 3, LINES 1 & 2.

FINALLY, IN SECTION 3, SUBSECTION (2), LINE 22, THERE ARE THE WORDS "RESTRICT PUBLIC RECREATION". THIS IS A HUNTING ACCESS BILL, AND THE SUBJECT OF PUBLIC RECREATION DOES NOT BELONG HERE. TO MENTION IT IS TO RISK OPENING A HUGE CAN OF WORMS, AND TO CREATE A NEW AND ACrimonious DEBATE ON THE SUBJECT. THIS BILL IS INTENDED TO FOSTER GOOD RELATIONS BETWEEN HUNTERS AND LANDOWNERS: THE SUBJECT OF PUBLIC RECREATION WILL ONLY MUDDY THE WATERS AND CREAT ILL FEELING. THEREFOR, I STRONGLY URGE YOU TO DELETE THE WORDS "restrict public recreation" FROM SECTION 3, SUBSECTION (2), LINE 22.

FURTHER IN SECTION 3, IT NEEDS CLARIFICATION THAT THE "PUBLIC ACCESS" BEING SPOKEN OF, REFERS TO PUBLIC HUNTING ACCESS. IN SECTION (5), LINE 8, it should read "providing public hunting access". IN THE SAME SUBSECTION, LINE 16 or SUB-SUBSECTION (e) "access provided to adjacent public lands" SHOULD BE DELETED ENTIRELY. IT REFERS TO A WHOLE DIFFERENT SUBJECT THAN PROVIDING HUNTING ACCESS TO PRIVATE LANDS, AND WHETHER OR NOT A LANDOWNER CHOOSES TO GRANT ACCESS TO PUBLIC LANDS THROUGH HIS PRIVATE LAND, SHOULD HAVE NO BEARING ON HIS "BENEFITS" FROM FISH, WILDLIFE & PARKS. I STRONGLY URGE YOU TO DELETE SECTION 3, SUBSECTION (5), LINE 16.

Thank you!

Tack Van Cleve
Box 530
Big Timber MT 59011

Consolidating Isolated Parcels of State Lands:

Equal or higher value would have to result. When State land is appraised at \$100 per acre and land to be traded is appraised at \$500 per acre, you will always get a *good* deal for the State.

3) EDUCATION AND OUTREACH EFFORTS

A) CONSERVATION SPECIALIST - in addition to the technical assistance program? Over kill!

C) LANDOWNER RECOGNITION PROGRAM - Another handout!

I was not aware that the DFW&P had any I&E officers. They have not informed the legislators, general public, or the Advisory Council where their funding comes from. The truth is it all comes from the Sportsmen/Women, not the landowners or the taxpayers.

III RECOMMENDATIONS FOR MAINTAINING A VIABLE HUNTING-OUTFITTING INDUSTRY

The Council is really concerned about the outfitters. Recommending variable priced B-10 and B-11 license fees, eliminating computer drawings, legislative funding for the Board of Outfitters, and to top it off, to double B-10 licenses **ONLY IF** their six previous proposals are met. The increased revenue would be used to benefit landowners. Who else!? Couldn't it be used to reimburse the DFW&P for all the additional requirements that the Council has loaded on?

IV PROGRAM FUNDING

- 1a) The Council wants to give 800 landowners \$2,500 each - total: \$2 million plus
- b) Additional tangible benefits; Cost - unknown
- c) Walk-in areas; Cost - unknown
- d) Technical Assistance; Cost - unknown
- e) Land Management and Protection Projects; Cost - unknown
- f) Education and Outreach Efforts; Cost - unknown
- g) Viable Outfitting Industry; Cost - unknown
- h) Benefits Currently Available; Cost - unknown
- i) Monetary Compensation for Damage; etc., etc., etc., etc., etc.
- 2) I believe the Council may be short \$4 or \$5 million when these costs are all added up. The Council's solution to raise revenue for all of their recommendations (?) is to basically raise license fees.
- 3) Why didn't the council recommend recreational taxes on private land that charges fee hunting or is leased to outfitters or a landowner uses his land for his own outfitting business?

July 11, 1994

SENATE FISH AND GAME
EXHIBIT NO. 16
DATE 3/09/95
BILL NO. SLB 195

RE: "Governor's Advisory Council on Private Land/Public Wildlife Draft Recommendations for Public Comment" 6/17/94.

In response to the request for public comment on the above mentioned Draft, I offer the following.

Hunting Enhancement Program

What a misnomer this title is! It should be called the Landowners/Outfitters Enrichment Program, or How to Make the Sportsmen/Women Pay for Programs that the Taxpayers Won't. The landowners are receiving benefits from the Department of Fish Wildlife and Parks that are questionable now. (See Appendix Pages 19-21.) Now, the outfitters (a large percentage of which are landowners) want to get in on the "Benefits".

- (b) This means that **ALL** landowners will benefit because **exceptions** will be made.
- (c) How many landowners make \$2,500 after their **expenses** are deducted? Items 1 through 8 add insult in injury. Will all these credits be taxable?

2) Develop Block Management Program Enhancement

This just means more money for the landowners.

3) Develop an "Advanced Hunter" Certification Program

Why don't they just state that ALL hunters are slobs?!

4) Encourage the creation of more walk-in hunting areas

This is a duplication of Block Management, it is not *similar* it is the same.

5) Ensure more Equitable Distribution of "Landowner Sponsor" licenses by Limiting the Number a Single Landowner Can Sponsor.

Great idea. I am surprised the council had one. Is an outfitters license required? Ten non-resident hunters is more than some outfitters have as clients. Why not make the limit just 2?

II RECOMMENDATIONS FOR IMPROVING HABITAT PROTECTION

1) TECHNICAL ASSISTANCE TO LANDOWNERS

Are landowners really this stupid? How have they managed this far without such technical assistance?

2) LAND MANAGEMENT AND PROTECTION PROJECTS (HP 526)

Leasing is not an effective tool. When the DFW&P paid \$20,300 for an easement on 5.8 acres that a rancher leased from the State for a mere \$308 for 540 acres and the Grady Ranch \$50,000 per year per lease. **Outright Purchase** - Check out the Rogers' property that the DFW&P bought and then gave 25 years free grazing; the Page-Whitham-Brewer ranch deal. Sweetheart deals in the guise of hunter access?!?

July 11, 1994
Page Three

EXHIBIT 16
DATE 3-9-95
X HB 195

It is obvious to me that the members of the Council did not even read the Appendix on benefits currently available to the landowners. They are probably not aware of the Fish and Wildlife divisions contributions to the Parks division. Manpower and, no doubt, funds are utilized not only for the Parks division but for the Department of Livestock, the Department of State Lands, landowners, and probably other State agencies. Now the Council is recommending that the DFW&P provide more funding and manpower to do the work that other State agencies should be doing, and all for the benefit of the landowner. This must be a misuse and abuse of the Fish and Wildlife Division's monies and manpower!

The Governor's Advisory Council has drafted a landowners/outfitters Welfare Plan. All under the guise of optimum hunter access. No mention of more access to State lands or benefits to sportsmen, women. They made no mention of those that fish but don't hunt. I guess the high priced private lands access is only for the hunting season. But, they recommended spending DFW&P funds. I did not add Parks because this division is not sufficiently funded by the Legislature to provide any funding. The taxpayers want parks but don't want to pay the price. That is why this division was added to the Department of Fish and Wildlife.

All the sportsmen/women of Montana will wind up getting (besides the shaft) is the additional requirement to possess an "Advanced Hunter Certification, Hunter Ethics Class, and high-high-higher license fees. No taxpayer monies fund the DFW, just sportsmen/women. I, for one, am getting damn tired of the misuse and abuse of **OUR** monies!

Thank you for this opportunity to comment on the "Governor's Advisory Council on Private land/Public Wildlife Draft Recommendations. I hope that these comments will help in the redrafting of these recommendations.

Sincerely,

Ron Bennett
1801 16th Avenue South
Great Falls, MT 59405

TESTIMONY ON HOUSE BILL 195

My name is Gary Sturm, and I am the President of the Prickly Pear Sportsmen's Association.

Today, however, I am testifying only as a Montana hunter. While I respect the hard work expended by the member of the Private Land/Public Wildlife advisory committee, I have many reservations regarding the proposals developed by this committee and contained in this proposed legislation.

First, I believe these proposals were based on several faulty assumptions included in House Joint Resolution 24. Among the worst is the assumption that relationships between Montana agricultural landowners and Montana sportsmen had deteriorated to an unacceptable degree. I disagree. I believe that the vast majority of agricultural landowners and sportsmen are satisfied with the things the way they are now. Sure, there are hunters who will not be happy until they can hunt anywhere and in anyway they please, just like there are agricultural landowners who will not be happy until they receive compensation for every blade of grass consumed on their land by wildlife. So be it. However, this should not mean that we change the whole scheme of things to please these few malcontents. Hunting on private property is a privilege that most of us sportsmen are perfectly willing to earn. There are special cases where it is to everybody best interests for the Department of Fish, Wildlife, and Parks to act as a go between and the existing Block Management Program appears to be an excellent way of handling these cases. However, we are only fooling ourselves if we think there is enough money for this program to be expanded to include all the private land presently open to non-fee hunting.

I am extremely concerned about the so-called market pricing of the non-resident outfitted elk combo license. My guess is that unless the price is increased to several thousand dollars, we will see a drastic increase in non-resident hunters. If this happens, you can be sure that there will be a constitutional initiative movement to take away from the legislature the ability to set the number of available non-residents ³⁰⁰ licenses.

I also do not understand how increasing the number of non-resident big game hunters by ³⁰⁰ 500 will increase opportunities for resident hunters. It is my observation that in most cases where a parcel of land that used to be open to hunting by Montana hunters is closed, the primary reason for that closure has been to reserve the game on the land for non-residents willing to pay for the privilege of hunting in an area where it is easier for them to kill an animal. How is putting ³⁰⁰ 500 more hunters in the field going to reduce this problem. It isn't, and if you think it is, well you know something the rest of us don't.

I realize this bill is probably going to pass. I also realize once passed this bill is going to drastically change the way we Montanan think of each other and how we think of the sport of hunting. In my opinion, these changes will not be good. I urge each of you to take another look at this bill, and really think about possible consequences of some of the proposals. Thank you for allowing me to express these comments.

Gary Sturm

SENATE FISH AND GAME
ENLIGHT NO. 18
DATE 3/09/95
BILL NO. 218 195

TO: SENATE FISH AND GAME COMMITTEE
SUBJECT: HB195
DATE: MARCH 9, 1995

My name is Dean Harmon. My wife and I have raised our family on our farm near Bainville. Part of our survival in agriculture has been the development of a hunting business on our own land. This has been worked on and improved for over twenty years. It has become a very important part of our operation.

The largest obstacle in achieving complete stability in our hunting business is the uncertainty of obtaining sufficient non-resident deer licenses year after year.

As a landowner sponsor, I can tell you HB195 would ruin our business if you pass it in its present form. To restrict a landowner sponsor to ten certificates is unfair. Other groups are not restricted in the same manner.

A compliment is due to those who labored honestly and impartially to craft this bill to help solve landowner - sportsman differences. These solutions should not come at the expense of those of us who have worked equally as hard and honest in creating new family businesses in our state.

Because I cannot amend this bill to correct the injustices the landowner sponsors will suffer, there is no choice but to urge a do not pass.

A handwritten signature in cursive script, reading "Dean Harmon". The signature is written in dark ink and is positioned above the printed name.

Dean Harmon

SENATE FISH AND GAME
EXHIBIT NO. 19
DATE 3/09/95
BILL NO. 212 195

To: Senate Fish & Game Committee
Re: HB 195
9 March, 1995

From: Ira Andrews
Box 372
Biddle, MT 59314
(406) 427-5421

Mr. Chairman, Honorable Senators:

I am Ira Andrews, ranch manager for Andrews Livestock Limited, Powder River County. We operate on 8000 acres deeded, 3000 leased. I am a life-long sovereign citizen of our sovereign state, just as you are. I am not a Philadelphia lawyer, so some things in HB 195 might be missed.

HB 195 has some problems for us. It enlarges the power of a state agency, operating in direct competition with private business, taking money from one group to give to another, and charging different rates for different people. "Take from those who have, according to their ability; and give to those who have not, according to their need," is from Karl Marx. He would be happy with HB 195.

Governor Racicot has stated goals of improving our business climate and increasing tourism. HB 195 brutally violates these goals. Increasing hunter fees and issuing fewer licenses will not bring in more people to spend money in Montana. BLOCK GRANT MANAGEMENT to supply FREE hunting in competition with outfitters and landowners' FEE hunters should not be allowed. Equal treatment under the law should be insisted on. Don't kill our golden goose!

If the outfitters and sponsors are abusing their rights, prosecute the abusers instead of punishing the whole industry.

If the 6000 out of state buck deer licenses were added to, say another thousand could be sold, 500 each for outfitters and sponsors, at \$250 each. Make a separate license for elk, as is done for antelope. Restore the 1000 antelope licenses taken away last year, which cost a documented loss to Powder River County people alone, of over \$1,000,000.00.

Stop unlimited doe slaughter. Kill coyotes, mountain lions and other predators, so there will be game to hunt. Little fawns grow up to be big bucks.

Landowner sponsors could be limited to, say 5 licenses per section of land ownership, or one group of 5 for one week of the five week season. If you think the above limit is reasonable, how about limiting the Colonial Inn to 80% of capacity? What about K*Mart? Limit how many can come in the door? How about Fish & Game selling elk tags that are 25% or less filled?

Please get the state out of the land and hunter management business. Private business can do it better. Why try making big game hunting a kings-only sport? Ten licenses at \$100 each is better than two licenses at \$500 each. Let us build Montana industry and tourism, not trash it.

I oppose the provisions of HB 195.

Ira Andrews

Open letter to Governor Racicot

At a Farm Bureau Convention, we applauded your goals for State government, as a candidate for governor. Last November, we applauded your accomplishments of shrinking the size and cost of State government, working to lower property taxes, improve private business climate, and increase tourism.

HB 195, which is to be debated by the Senate Fish and Game Committee on 9 March at 3 pm, forcibly violates these goals. HB 195 does not provide equal treatment under the law for our sovereign citizens.

"Take from those who have, according to their ability to give, and give to those who have not, according to their need," is from Karl Marx. Free enterprise indicates a state agency may offer X number of licenses available for out of state people (to landowner sponsor, outfitters and open drawing purposes), but cannot dictate what we may charge for access or services (if anything), and must charge an equal fee for each license.

The present 6000 buck deer (out of state \$250) licenses should be increased another thousand, split between sponsors and outfitters. This will increase tourism and add modest millions to our economy.

The loss of one thousand antelope permits in 1994 had a documented one million dollar loss in Powder River County alone. If HB 195 passes, it will cost well over one million dollars.

We have game and an out of state market for it. We should not allow the Fish & Game to close down fee hunting to provide, in direct competition, "free" hunting. Fish & Game should not be in the land business, but should be killing coyotes, mountain lions, and other predators, and helping increase game availability.

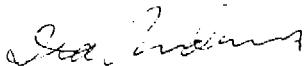
If sponsors and outfitters are violating game laws, prosecute them, but don't kill our golden goose.

F & G sell four times the elk permits as are filled, Why complain to private people with a 95% tag fill rate?

At our state Farm Bureau convention, you joined us in our pledge of allegiance to our flag and to the republic for which it stands . . . with liberty and justice for all.

HB 195 is not just. Please help us bury it, or amend it to reverse the thinking it contains (of more money through scarcity) to one of more money through abundance and greater use of resources.

Sincerely,



Ira Andrews
p o box 372
Middle, MT 59314

8 March 1995
Miles City, MT

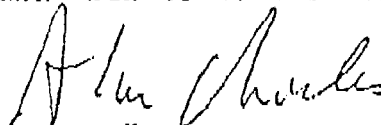
Ladies and Gentlemen:

I am sorry I am unable to present, in person, testimony concerning HB 195 at the Senate hearing. However, as chairman of the HJR Southeast Montana Local Group, I would like to convey local response as it has been received by other members of the group and myself.

There has been a great deal of interest expressed in the Hunting Access Enhancement Program, with a number of landowners asking how they can sign up. As you know, Block Management has already proven a boon to this region, and the HEP promises to fill some of the holes in the existing Block Management Program. We've had hunters express a willingness to pay higher license fees if that money would be guaranteed to fund a program like HEP.

Another item that has drawn much support is the recommendation to limit landowner sponsor licenses to ten. Many ranchers have said that five would be more appropriate, allowing more people to use them. I was recently asked to address a gathering of landowners at a landowner appreciation banquet honoring those who had participated in Block Management. At this banquet, the subject of HB 195, and particularly, landowner sponsor tags, drew quite a bit of comment, with the overwhelming majority supporting the proposed limit on those licenses. What negative comment we, as a council, have received has come from those landowners who are using these tags to support a part-time outfitting industry, and we do not feel that that was the intent of the landowner sponsor tags. We strongly support the notion that these special set-aside tags were to be used as a tangible benefit for landowners to have friends or relatives from out-of-state come hunt with them on their farms and ranches.

I hope that HB 195 holds together in its current form. I really feel that if one part is pulled out or amended, then it will come apart at the seams. It does not provide all the answers. But it is, indeed, a compromise package, with something of value in it for all interested parties. Montana will be better for its passing.


Alan Charles

Fax to: Dwight Guynn, DFW&P, Helena

March 8, 1995

The Honorable Ken Mesaros, Chairman
Senate Fish and Game Committee
Capitol Station
Helena, Mt 59630

Dear Senator Mesaros:

I am Vice president of our family ranch corporation and a 4th generation rancher on the Rosebud Creek south of Forsyth. We have always been believers in free public access to our properties and have participated in the Block Management Program since the fall of 1988. Our land has never been closed to public hunting.

For the past year and a half I served on the Southeastern Montana Private Land Public Wildlife Committee. It was hard, time-consuming work and an open mind had to be kept at all times. Landowners, sportsmen, outfitters and recreationists all served on our committee. H. B. 195 is the result of this committee's, as well as other committees efforts, throughout the state, and the council based in Helena.

H. B. 195 is the product of compromise. The issues were very delicate, complicated and intertwined. Many public hearings were conducted throughout the state. Public comment was taken into account and was vital in writing the final draft. Every issue that was agreed upon by the group was by consensus. If one person disagreed, that issue was not sent on to the council.

The issue of landowner sponsored tags was brought to our attention. It seemed some landowners who wanted two or three couldn't acquire them. Further inquiry revealed that some landowners were applying for as many as one hundred twenty tags, and getting sixty five. Landowners who wanted two or three were told that since there was no limit on the number of tags that an individual could acquire but that there was a limit on the total available tags, that they were out of luck. It was learned that the intent of these tags was for a non-resident family member who could come home to Montana and hunt. It was felt by the committee that the use of tags was being abused, and that limiting these tags to ten per landowner, was fair. Public comment ranged from abolishing the landowner-sponsored tags completely, to expanding their availability. We felt that a limit of ten was a reasonable compromise. A landowner can still use these tags for outfitting, as long as the hunts take place on the sponsor's private ground. The southeast committee felt that the

limit of ten would result in a more even distribution of these tags and more individual landowners would benefit.

In conclusion, I personally feel that it is very unfortunate that some individuals, suddenly at this late hour, have objections to the limiting of tags. Where were they when the statewide public hearings were being conducted? I feel that this is a last-ditch effort to derail a very good bill at the cost of personal gain. I strongly urge the passage of H. B. 195 without further amendments.

Sincerely,



Clint McRae
Rocker Six Cattle Co.
Forsyth, MT 59327

EXHIBIT NO. 26
DATE 3/09
BILL NO. HB 195

Patrick Dringman
914 Peosta
Helena, MT 59601

HOUSE BILL NO. 195
TESTIMONY BEFORE THE SENATE COMMITTEE ON FISH, WILDLIFE & PARKS
MARCH 9, 1995

Mr. Chairman, Senators, thank you for the opportunity to speak with you today. My name is Pat Dringman and I am here today on behalf of my father and my father-in-law, both of whom are private land owners.

I will be brief. I wish to address two points of concern in this proposed piece of legislation. First, I would direct your attention to Section 3, subpart (2), which reads:

Land is not eligible for inclusion in the hunting access enhancement program if outfitting or commercial hunting restricts **public recreation** or hunting opportunities.

My concern with this provision is the inclusion of the term "public recreation" in a bill that focuses on hunting access. Private land owners who wish to participate in the Hunter Access Enhancement Program may be discouraged from doing so by such language.

This language can be interpreted to mean that participation in the Hunter Access Enhancement Program not only provides hunters with access, but provides for "public recreation" as well. Public recreation is not defined in this proposed bill nor could I find it defined elsewhere in the code. Does "public recreation" include hikers, mountain bikers, cross-country skiers, snowmobilers, motorcyclists, etc...? The confusing nature of this term, its overbreadth, and its general inapplicability to the hunter access bill shows good cause why it should be stricken from this proposed legislation.

More importantly, I am concerned with Section 10, subpart (3), which reads, in relevant part:

A resident sponsor of a Class B-11 license may submit no more than 10 certificates of sponsorship in any license year.

I would suggest that this provision is inappropriate for several reasons.

First, it is an arbitrary restriction that does not take into account the size, location or wildlife habitat of the landowner's property. This bill allows an individual who owns 640 acres to submit as many certificates as a landowner with 10,000, 20,000, or 100,000 acres. Nor does the maximum of 10 per landowner take into account the quality of the hunting habitat. Thus, a landowner whose hayfields and pastures support a dozen deer and a landowner whose hayfields and pastures support hundreds of deer are both

entitled to submit 10 certificates. Such a result is completely grossly unfair.

Second, an arbitrary numbers restriction is unnecessary. The market will sufficiently control landowner sponsor numbers. If a landowner has sufficient land of such quality to maintain a large number of deer, hunters will want to hunt on his or her land. Landowners with less deeded land or land with lesser quality habitat will support fewer deer. As such, fewer individuals will desire to hunt on such property. Setting arbitrary limits is unnecessary.

Third, rather than "equalizing the distribution of resident sponsor certificates throughout the state" such an arbitrary number will do just the opposite. Instead of equally and fairly proportioning certificates, this provision is discriminatory. These licenses will be ill distributed throughout the state; small farms with poor hunting habitat and large ranches with excellent hunting habitat will both be entitled to submit only 10 certificates.

Finally, if the 10 certificate per sponsor language is stricken, the total number of Class B-11 licenses allocated for this purpose remains in tact. However, these 2000 licenses would be distributed in a manner which more fairly and accurately represented game population.

I urge this committee to amend HB 195 by striking any references to "public recreation" and by striking the 10 submission per landowner provision.

Thank you for your time and attention.

Dear Mr. Mearns,

I am writing in regard to House Bill 195. I want it known that I am very much opposed to the line that would restrict land owners sponsors to a maximum of 10 certificates of sponsorship.

How dare you tell us landowners that you want to take a vital part of our livelihood and put that kind of restriction on us. The hunters we bring in, besides helping us financially, also bring a lot of money into the community. They patronize our restaurant, bars, grocery stores, and process their game locally, and most shop for ~~some of the~~ Montana made arts & crafts.

I believe that this is just a ploy to try and make us open our land to the general public, locals, etc. We will not be forced this way! If it comes down to it we personally would prefer to post our land and keep all hunters out.

House Bill 195 is an outrage! I hope that you will listen to those of us that this Bill would directly affect. We already have enough restrictions put on us, we don't need this one!

Sincerely

Daniel & Rhonda
Bergdoll

SENATE FISH AND GAME

EXHIBIT NO. 28

DATE 3/09

BILL NO. HB 195

March 5, 1995

Larry Cox
P.O. Box 925
Forsyth, MT 59327

Dear Senator,

I am a Landowner Sponsor and I am opposed to House
Bill 195. Please vote against this bill.

Sincerely,

A handwritten signature in cursive script that reads "Larry J. Cox".

Larry J. Cox

SENATE FISH AND GAME

EXHIBIT NO. 29

DATE 3/09

BILL NO. HB 195

FRED AND KAY TABER
HC 56 BOX 40
RYEGATE, MT 59074

SENATOR KEN MESAROS
CAPITOL STATION
HELENA, MT 59620

DEAR SENATOR MESAROS:

Having just become aware of HB195, I am writing to voice my **opposition** to the portion of that bill which would restrict landowner sponsors to a maximum of ten (10) non-resident hunters per year. I would certainly like to see this portion removed from the bill.

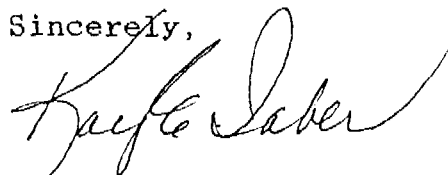
Not knowing the reasoning behind this provision or where it originated, I am having trouble finding a justifiable purpose from any point of view. There are some of us with more than ten non-resident friends and relatives who have come repeatedly for a number of years, are willing to pay the large fee charged by the state of Montana to hunt here, who will be affected by this limitation and simply will not be able to come.

And, should this measure pass, it puts the state in a position of **controlling** the ability of those landowners who are using landowner sponsorship to supplement a sagging livestock income by **restricting** their access to additional income and **free enterprise**. The state already has control in the issuance of licenses and this will create additional restrictions. Are outfitters also being limited to a maximum of ten clients as well?

Landowner sponsored permits are currently limited in number and issued on a first come, first served basis. If the purpose of this provision is to distribute numbers more equitably among applicants (or landowners), a random computer drawing should eliminate any complaints in that regard.

We would like to see a number of changes made in the hunting application regulations, but this one appears to be quite negative in nature from our point of view. We would prefer seeing a situation where landowners are guaranteed a specific number of permits and the applicants know they will be able to hunt and can plan accordingly. A limit of ten is not a good idea from a fiscal standpoint for the state.

Sincerely,



Fred and Kay Taber

SENATE FISH AND GAME

EXHIBIT NO. 30

DATE 3/6/9

BILL NO. HB 195

Kenneth Mesaros
State Capitol
Helena, Mont. 59620

Dear Sir,

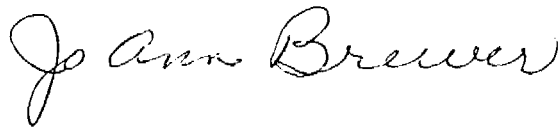
As a land owner I must appose House Bill 195 , If this doesn't get ammended, I am going to preduct some big problems for Fish & Wildlife. We own a lot of land and this isn't fair to try to limit us to 10 land owner permits, when the sky is the limit for the Outfitter. It isn't the Outfitter that owns the land that he guides on , as a rule.

We don't like Block Management and we don't like Outfitters, and feel that if we are limited to 10 landowner permits this is very unfair, and will be forced to close our land to hunting.

I wish to thank you for taking time to read this letter, and ask that you please vote against House Bill 195.

Sincerely,

Jo Ann Brewer

A handwritten signature in cursive script that reads "Jo Ann Brewer". The signature is written in dark ink and is positioned below the typed name.

SENATE HUNT AND GAME

EXHIBIT NO. 31

DATE 3/09

BILL NO. hb 195

Wilson Richards
Bilt Edge Rt.
Lewistown, MT 59457
March 4 - 1995

Attention - Mr. Ken Mesador
Chairman of Fish & Game Committee

Dear Sir:

As a landowner sponsor, I am in opposition
to HB 195. I am requesting this bill to be
amended by removing the restrictive line
which would allow us only 10 certificates
each. Thank you for your consideration
Sincerely -
Wilson Richards

SENATE FISH AND GAME
ENROLLMENT NO. 32
DATE 3/6/9
BILL NO. HB 195

Steve Brewer
Brewer Ranch Hunting
Rte. 2, Box 5027
Forsyth, Montana 59327

March 1, 1995

Montana Fish, Wildlife and Parks
Senate Fish and Game Committee
1420 East 6th Avenue
Helena, Montana 59620-0701

Attention: Senate Committee Chairman

House Bill HB195 that passed in the House will be heard on March 9th by your Senate Committee. Please consider amending the bill by removing the restrictive line that allows landowner sponsors only ten certificates each.

For those of us that have made a business of, and depend on fee hunting on our own land, this bill in its current form will be devastating to our business.

Please take the time to consider this request carefully. Thank you.

Sincerely,



Steve Brewer
Landowner

5/5/95

Baker. mt
03.06.95

SENATE FISH AND GAME

ENACT NO. 33

DATE 2/07

BILL NO. 195

Senate Fish & Game Committee

Capitol Station

Helena. Mt.

Dear Sirs:

I hope you can amend HB # 195
to strike the provision on limiting
Landowner Sponsor applications.

The Landowner Sponsor Program
is a great way to control game
and promote landowner cooperation.
Limiting participation by limiting
the number of applications per land
owner is not in the best interest of
all concerned. Thanks.

Sincerely,

Tracy G. Shebus

Box 901

Baker mt 59313

SENATE FISH AND GAME

EXHIBIT NO. 34

March 8, 1995

DATE 3/09BILL NO. HB 195

Herb Bue, Jr.
Work Creek Cattle Ranch
P.O. Box 21
Reedpoint, Montana 59069
(406) 326-2204

Senate Fish and Game Committee
Capitol Station
Helena, Mt. 59620

Attention: Chairman Ken Mesaros

Dear Fish and Game Committee,

I'm writing in regards to HB195 on Landowner Sponsorship. As a rancher, and landowner sponsor, I strongly oppose this bill.

I feel this bill will hurt my business by limiting the number of certificates for sponsorship. Those of us who are in the business of land management, know the effects of what we are able to do with our private land. I feel that instead of limiting the sponsorship certifications they should be INCREASED instead of decreased. Over the last two years I have lost 1/3 of my prospective hunters because of the limit of the certifications now offered. I sponsor 12-15 hunters per year, and I am lucky if I can get certification for 7 -8 hunters. The private landowner knows the amount of hunting pressure that his property can stand and overall the increased numbers of clients will help the landowner, the Fish and Game commission, and the State of Montana for the revenue that will come in.

Instead of 2000 certifications per year, it should be increased to 3500 for the size of the state of Montana. This would not be a hardship on the private lands for a state of this size.

In reviewing this HB195 on March 9, please consider our views as private landowners in the State of Montana, as we are willing to work with the Fish and Game through sponsorship and game management for the good of all sportsmen.

Sincerely,

Herb Bue Jr.

Herb Bue, Jr

DeMars RANCH

P.O. Box 64

Winifred, MT. 59489

SENATE FISH AND GAME

EXHIBIT NO. 35

DATE 3/09

BILL NO. hb 195

MARCH 6, 1995

page 1

TO: SENATE FISH & GAME COMMISSION

CAPITAL STATION

HELENA, MT. 59620

IN REFERENCE OF HOUSE BILL 195; LIMITING LAND-
OWNER SPONSORSHIP CERTIFICATES:

DEAR SENATE COMMISSION:

We strongly oppose House Bill 195.
Through the past four years, we have been able
to grant hunters sponsorship certificates.

These hunters are selected carefully for they're
sportsmanship qualities, safety practices, and
respect for the land.

In doing so, we are able to regulate wildlife
populations which otherwise graze on our lands and
destroy our stored hay crops.

Diminishing these permits to ten, or placing

over →

Page 2

any number limiting they're use would be
devastating to our operation. Such a bill would
force us to seek other means of controlling
these herds of WILDLIFE.

Sincerely,

DeMARS RANCH

Tom J. DeMars

Albert J. DeMars

SENATE FISH AND GAME

EXHIBIT NO. 36

DATE 3/09

BILL NO. HB 195

Box 91
Ekalaka, MT 59324
March 8, 1995

Senate Fish and Game Committee
Capitol Station
Helena, MT 59620

Dear Sirs:

I oppose HB195 because it restricts land owner sponsorship to ten. This restriction would cause the owner to lose potential income as well as deny the owner the right to manage and administer his own property.

Thank you for considering changing this bill.

Sincerely,

Annina Gardner

*Room 407B
Helena*

Roger Bonebrake HB 195
MC 62 Capitol RT.
Capitol, MT. 59319

Dear Sirs:

As a landowner I feel Bill HB195
in its present form is unacceptable.
I think the landowner should have
more input, and the landowner and
the committee should work together
for a more workable solution.
Thank you.

Sincerely,

Roger Bonebrake

March 6, 1995

SENATE FISH AND GAME

EXHIBIT NO. 38

DATE 3/09

BILL NO. hb 195

March 6, 1995

Mr. Kenneth Mesaros
State Capitol
Helena, MT. 59620

Dear Mr. Mesaros:

I am a rancher in the Miles City area. I am opposed to House Bill 195. I would like you to vote NO. It will take away our rights to private land. We need to be able to have as many hunters as we see fit to use our land and game population. We have too much State and Federal control now. We would appreciate your help in stopping House Bill 195 from passing.

Please vote NO on House Bill 195.

Sincerely,

Howard A Henderson

Tongue River Ranch Company
Howard A. Henderson, President

SENATE FISH AND GAME

EXHIBIT NO. 39

DATE 3/09

BILL NO. hb 195

NAME Don Harmon

ADDRESS Hc 58 Box 9 Bainville, Mo. 64512

HOME PHONE 269-2127 WORK PHONE 653-1590 ex 49

REPRESENTING Myself

APPEARING ON WHICH PROPOSAL? HB 195

DO YOU: SUPPORT _____ OPPOSE X AMEND _____

COMMENTS:

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 3/09

March 2, 1995 Hb 195

Saco, ME 05926

Dear Mr. Mesaros,

I am writing in regard to HB 195 and am opposed to the line that would restrict landowner sponsors to a maximum of ten certificates of sponsorship.

In 1949 my husband had to quit school just out of the 8th grade to work on the family farm.

We have been married for 37 years and we (and our three children) have worked from before dawn until after dusk to become landowners.

Bringing in hunters on landowner sponsor certificates has been a real God send to us.

It has helped us financially as well as we have met some great people from several different states and have been able to visit a couple of them to learn about their business and way of life.

These out of state hunters bring a lot of income into Montana.

Our hunters all spend one night in Billings. They all eat 3 meals in Billings and spend many dollars at various stores from sporting good stores to the Malls.

They bring a lot of business to our little town of Saco. They have most of their meat processed in Saco which is a big boost to our local butcher. They spend a lot on groceries locally and patronize the local cafe and bars.

If we are to be told how many hunters we can have on our private land, I think the grocer should only be allowed to sell so many groceries, the furniture store should only be allowed to sell so many yards of carpet, the restaurant should only be allowed to serve so many meals, etc. etc.

Please delete this particular sentence from HB 195.

Sincerely,

Anna Lou Bengtson (Mrs. Leo)
Box 194 Saco, MT. 59261
(406) 674-5528

SENATE FISH AND GAME

EXHIBIT NO. 41

DATE 3/6/9

BILL NO. HB 195

3-5-95

Dear Sirs,

In referance to bill
HB 195—

I oppose the bill in
its current form. If it could
only get (10) ten certificates
of landowner permits I would
have to close up shop, as
we serve between 25 & 30 hunters

Sincerely

Don Nash
Box 50 Broadus Mont
59317

SENATE FISH AND GAME

EXHIBIT NO. 42

DATE 3/6/9

BILL NO. HB 195

Ted Browning

HC 67 Box 4

Mosby, Montana

59058-9702

Dear Sirs

Regarding HB 195
limiting land owners to 10
would not work well for us.

Our family ranch is in
Block management through
Miles City.

We do not charge for hunting
and so far have not turned
any hunters away in state or
out of state.

For some time there has
been an abundance of game
so why make it hard for
the out of staters to get
a tag.

Sincerely

Ted Browning

406-554-3489

SENATE FISH AND GAME

EXHIBIT NO. 43

DATE 3/69

BILL NO. hb 195

Oliver, Mt.

Mar. 6, 1995

Dear Sir

I wish to make my intentions known as opposed to reducing Landowner sponsorship licenses for out of state deer hunters.

I am a rancher in south-eastern Mt. and this matter is important to us as we have a vacant house eleven months out of the year, and hunting season is the only time we get any monetary value out of it.

These licenses should be increased if anything else we are on the brink of a deer population explosion beyond all expectations.

Sincerely
Sam Russell

DATE 3/09

BILL NO. hb 195

March 2, 1995

Saco, MT 59261

Dear Mr. Mesaros,

I am writing in regard to HB 195 and am apposed to the line that would restrict landowner sponsors to a maximum of ten certificates of sponsorships.

In 1949 my husband had to quit school just out of the 8th grade to work on the family farm.

We have been married for 37 years and we (and our three children) have worked from before dawn until after dusk to become landowners.

Bringing in hunters on landowner sponsor certificates has been a real God send to us.

It has helped us financially as well as we have met some great people from several different states and have been able to visit a couple of them to learn about their business and way of life.

These out of state hunters bring a lot of income into Montana.

Our hunters all spend one night in Billings. They all eat 3 meals in Billings and spend many dollars at various stores from sporting good stores to the malls.

They bring a lot of business to our little town of Saco. They have most of their meat processed in Saco which is a big boost to our local butcher. They spend a lot on groceries locally and patronize the local cafe and bars.

If we are to be told how many hunters we can have on our private land, I think the grocer should only be allowed to sell so many groceries, the furniture store should only be allowed to sell so many yards of carpet, the restaurant should only be allowed to serve so many meals, etc. etc.

Please delete this particular sentence from HB 195.

Sincerely,

Anna Lou Bergtall (Mrs.)
Box 194 Saco, MT. 5926

March 8, 1995

SENATE FISH AND GAME
EXHIBIT NO. 45
DATE 3/09/95
BILL NO. LB 195

Herb Bue, Jr.
Work Creek Cattle Ranch
P.O. Box 21
Reedpoint, Montana 59069
(406) 326-2204

Senate Fish and Game Committee
Capitol Station
Helena, Mt. 59620

Attention: Chairman Ken Mesaros

Dear Fish and Game Committee,

I'm writing in regards to HB195 on Landowner Sponsorship. As a rancher, and landowner sponsor, I strongly oppose this bill.

I feel this bill will hurt my business by limiting the number of certificates for sponsorship. Those of us who are in the business of land management, know the effects of what we are able to do with our private land. I feel that instead of limiting the sponsorship certifications they should be INCREASED instead of decreased. Over the last two years I have lost 1/3 of my prospective hunters because of the limit of the certifications now offered. I sponsor 12-15 hunters per year, and I am lucky if I can get certification for 7 -8 hunters. The private landowner knows the amount of hunting pressure that his property can stand and overall the increased numbers of clients will help the landowner, the Fish and Game commission, and the State of Montana for the revenue that will come in.

Instead of 2000 certifications per year, it should be increased to 3500 for the size of the state of Montana. This would not be a hardship on the private lands for a state of this size.

In reviewing this HB195 on March 9, please consider our views as private landowners in the State of Montana, as we are willing to work with the Fish and Game through sponsorship and game management for the good of all sportsmen.

Sincerely,

Herb Bue Jr.

Herb Bue, Jr

Baker. Mt
03.06.95

Senate Fish & Game Committee
Capitol Station
Helena. Mt.

Dear Sirs:

I hope you can amend HB #195
to strike the provision on limiting
Landowner Sponsor applications.

The Landowner Sponsor Program
is a great way to control game
and promote landowner cooperation.
Limiting participation by limiting
the number of applications per land
owner is not in the best interest of
all concerned. Thanks.

Sincerely,

Tracy H. Shibus
Box 901

Baker. Mt 59312

De Mars RANCH
P.O. Box 64
Winifred, MT. 59489

EXHIBIT 45
DATE 3-9-95
HB 195

page 1

MARCH 6, 1995

TO: SENATE FISH & GAME COMMISSION
CAPITAL STATION
HELENA, MT. 59620

IN REFERENCE OF HOUSE BILL 195; LIMITING LAND-
OWNER SPONSORSHIP CERTIFICATES;

DEAR SENATE COMMISSION:

We strongly oppose House Bill 195.
Through the past four years, we have been able
to grant hunters sponsorship certificates.

These hunters are selected carefully for they're
sportsmanship qualities, safety practices, and
respect for the land.

In doing so, we are able to regulate wildlife
populations which otherwise graze on our lands and
destroy our stored hay crops.

Diminishing these permits to ten, or placing

over →

*Rec'd
4/13
Arina*

Box 91
Ekalaka, MT 59324
March 8, 1995

Senate Fish and Game Committee
Capitol Station
Helena, MT 59620

Dear Sirs:

I oppose HB195 because it restricts land owner sponsorship to ten. This restriction would cause the owner to lose potential income as well as deny the owner the right to manage and administer his own property.

Thank you for considering changing this bill.

Sincerely,

Arina Gardner

Roger Donfield
HC 62 Capitol RT.
Capitol, MT. 59319

EXHIBIT 45
DATE 3-9-95
X HB 195

Dear Sirs:

As a landowner I feel Bill HB195
in its present form is unacceptable.
I think the landowner should have
more input, and the landowner and
the committee should work together
for a more workable solution.
Thank you.

Sincerely,

Roger Donfield

March 6, 1995

March 6, 1995

Mr. Kenneth Mesaros
State Capitol
Helena, MT. 59620

Dear Mr. Mesaros:

I am a rancher in the Miles City area. I am opposed to House Bill 195. I would like you to vote NO. It will take away our rights to private land. We need to be able to have as many hunters as we see fit to use our land and game population. We have too much State and Federal control now. We would appreciate your help in stopping House Bill 195 from passing.

Please vote NO on House Bill 195.

Sincerely,

Howard A. Henderson

Tongue River Ranch Company
Howard A. Henderson, President

Dear Mr. Mesaros,

I am writing in regard to House Bill 195. I want it known that I am very much opposed to the line that would restrict land Owners sponsors to a maximum of 10 certificates of Sponsorship.

How dare you tell us landowners that you want to take a vital part of our livelihood and put that kind of restriction on us. The hunters we bring in, besides helping us financially, also bring a lot of money into the community. They patronize our restaurants, bars, grocery stores, and process their game locally. And most shop for ~~some of the best~~ Montana made arts & crafts.

I believe that this is just a ploy to try and make us open our land to the general public, locals, etc. We will not be forced this way! If it comes down to it we personally would prefer to post our land and keep all hunters out.

House Bill 195 is an outrage! I hope that you will listen to those of us that this Bill would directly affect. We already have enough restrictions put on us, we don't need this one!

Sincerely,

Deirdre & Rhonda
Bergbill

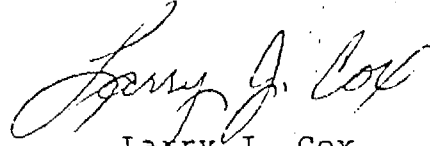
March 5, 1995

Larry Cox
P.O. Box 925
Forsyth, MT 59327

Dear Senator,

I am a Landowner Sponsor and I am opposed to House
Bill 195. Please vote against this bill.

Sincerely,



Larry J. Cox

EXHIBIT 45
DATE 3-9-95
HB 195

FRED AND KAY TABER
HC 56 BOX 40
RYEGATE, MT 59074

SENATOR KEN MESAROS
CAPITOL STATION
HELENA, MT 59620

DEAR SENATOR MESAROS:

Having just become aware of HB195, I am writing to voice my **opposition** to the portion of that bill which would restrict landowner sponsors to a maximum of ten (10) non-resident hunters per year. I would certainly like to see this portion removed from the bill.

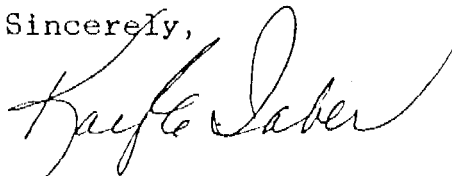
Not knowing the reasoning behind this provision or where it originated, I am having trouble finding a justifiable purpose from any point of view. There are some of us with more than ten non-resident friends and relatives who have come repeatedly for a number of years, are willing to pay the large fee charged by the state of Montana to hunt here, who will be affected by this limitation and simply will not be able to come.

And, should this measure pass, it puts the state in a position of **controlling** the ability of those landowners who are using landowner sponsorship to supplement a sagging livestock income by **restricting** their access to additional income and **free enterprise**. The state already has control in the issuance of licenses and this will create additional restrictions. Are outfitters also being limited to a maximum of ten clients as well?

Landowner sponsored permits are currently limited in number and issued on a first come, first served basis. If the purpose of this provision is to distribute numbers more equitably among applicants (or landowners), a random computer drawing should eliminate any complaints in that regard.

We would like to see a number of changes made in the hunting application regulations, but this one appears to be quite negative in nature from our point of view. We would prefer seeing a situation where landowners are guaranteed a specific number of permits and the applicants know they will be able to hunt and can plan accordingly. A limit of ten is not a good idea from a fiscal standpoint for the state.

Sincerely,



Fred and Kay Taber

Kenneth Mesaros
State Capitol
Helena, Mont. 59620

Dear Sir,

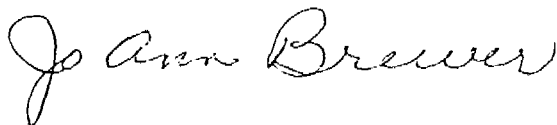
As a land owner I must appose House Bill 195 , If this doesn't get ammended, I am going to preduct some big problems for Fish & Wildlife. We own a lot of land and this isn't fair to try to limit us to 10 land owner permits, when the sky is the limit for the Outfitter. It isn't the Outfitter that owns the land that he guides on , as a rule.

We don't like Block Management and we don't like Outfitters, and feel that if we are limited to 10 landowner permits this is very unfair, and will be forced to close our land to hunting.

I wish to thank you for taking time to read this letter, and ask that you please vote against House Bill 195.

Sincerely,

Jo Ann Brewer

A handwritten signature in cursive script that reads "Jo Ann Brewer". The signature is written in dark ink and is positioned below the typed name.

Steve Brewer
Brewer Ranch Hunting
Rte. 2, Box 5027
Forsyth, Montana 59327

March 1, 1995

Montana Fish, Wildlife and Parks
Senate Fish and Game Committee
1420 East 6th Avenue
Helena, Montana 59620-0701

Attention: Senate Committee Chairman

House Bill HB195 that passed in the House will be heard on March 9th by your Senate Committee. Please consider amending the bill by removing the restrictive line that allows landowner sponsors only ten certificates each.

For those of us that have made a business of, and depend on fee hunting on our own land, this bill in its current form will be devastating to our business.

Please take the time to consider this request carefully. Thank you.

Sincerely,



Steve Brewer
Landowner

5/5/95

Wilson Richards
Hilt Edge St.
Leviestown, Mt 59457
March 4-1995

Attention - Mr. Ken Mesdies
Chairman of Job & Home Committee

Dear Sir:

As a landowner sponsor, I am in opposition
to HB 195. I am requesting this bill to be
amended by removing the restrictive line
which would allow us only 10 certificates
each. Thank you for your consideration
Sincerely,
Wilson Richards

MINUTES

**MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH & GAME

Call to Order: By **CHAIRMAN KEN MESAROS**, on March 16, 1995, at
3:00 p.m.

ROLL CALL

Members Present:

Sen. Kenneth "Ken" Mesaros, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Bruce D. Crippen (R)
Sen. William S. Crismore (R)
Sen. John R. Hertel (R)
Sen. Ken Miller (R)
Sen. Mike Sprague (R)
Sen. Gary Forrester (D)
Sen. Judy H. Jacobson (D)
Sen. Terry Klampe (D)
Sen. Bob Pipinich (D)

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council
Serena Andrew, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: Discussion on HB 195, HB 196
Executive Action: HB 196

{Tape: 1; Side: A}

CHAIRMAN KEN MESAROS, SD #25, CASCADE, said **SENATOR GROSFIELD** had
asked to address the committee.

SENATOR LORENTS GROSFIELD, SD #13, BIG TIMBER, said he had
appeared as an opponent at the March 9 hearing on HB 195. He
later discovered his cousin appeared at the top of the list of
landowner sponsors. Some of his neighbors were also high on the
list. He felt he should not have appeared at the hearing and
asked the committee to disregard his testimony on HB 195.

Vote:

ALL COMMITTEE MEMBERS VOTED AYE ON THE MOTION TO CONCUR ON HB 196 AND THE MOTION CARRIED UNANIMOUSLY.

DISCUSSION ON HB 195

CHAIRMAN MESAROS stated, for the record, that he was not comfortable in acting on HB 195 without more discussion. He thought HB 195 was a very important bill and he had invited REPRESENTATIVE SWANSON, members of the council, and other interested individuals to attend and answer questions.,

SENATOR PIPINICH MOVED TO CONCUR ON HB 195.

SENATOR JOHN HERTEL, SD #47, MOORE, told the committee four different amendments had been proposed to HB 195, and he asked REPRESENTATIVE SWANSON to explain them.

SENATOR WILLIAM CRISMORE, SD #41, LIBBY, said he also had two amendments.

CHAIRMAN MESAROS asked that all amendments be distributed to the committee members.

MS. MERRILL stated that she had prepared a gray bill showing the proposed text of the entire bill (EXHIBIT #1).

CHAIRMAN MESAROS commented that he understood the four amendments mentioned by SENATOR HERTEL were incorporated into the gray bill, but not the amendments mentioned by SENATOR CRISMORE. Ms. Merrill replied that was correct.

SENATOR PIPINICH asked if the amendments in the gray bill were the technical amendments brought up at the March 9 hearing.

CHAIRMAN MESAROS said some were, but the second amendment was a substantive change. He asked REPRESENTATIVE SWANSON to go through the amendments and explain them to the committee.

REPRESENTATIVE EMILY SWANSON, HD #30, BOZEMAN, said she appreciated the opportunity to come back to the committee and follow through on the process.

REPRESENTATIVE SWANSON said amendment No. 19501 was a coordination amendment with HB 196.

Amendment No. 19502 addressed an issue SENATOR CRIPPEN asked about. He had been concerned about the language "public recreation," and this amendment made it clear that the bill referred to hunting access only.

Amendment 19503 stated that people who had already applied for an outfitter's license and whose applications were still in the

process would be eligible for an outfitter's license and would not be affected by the moratorium on new outfitter licenses.

Amendment 19504 was about the limit of 10 landowner sponsored licenses. She said the limit of 10 had been a negotiated agreement. She thought the mail received by the committee came from the few people who would be impacted and from people who had heard rumors. Only 65 of the 2,000 landowner sponsor licenses went to people who requested more than 10. That came to only 6%. She thought addressing a 6% minority would be saying the public process didn't mean as much as the recent complaint.

REPRESENTATIVE SWANSON suggested the committee consider three options for dealing with the limit of 10 landowner sponsored licenses:

- (1) Do nothing and let the limit stand. (The preferred option.)
- (2) Give up to 20 licenses each to people who request them and phase the number back over a four-year period until it reached 10. This would allow some planning time and the moratorium would end, allowing the landowner sponsors to become licensed outfitters if they wished. She thought it was a viable option.
- (3) Set the limit at 15. When the council set the limit at 10 it improved chances for all interested landowner sponsors to receive at least some licenses.

REPRESENTATIVE SWANSON said she hadn't had an opportunity to read SENATOR CRISMORE'S amendments.

SENATOR JUDY JACOBSON, SD #18, BUTTE, commented (on SENATOR CRISMORE'S amendment) that it appeared the review committee was added in the House, and his amendment merely added outfitters to that committee.

REPRESENTATIVE SWANSON commented that she could support that amendment.

SENATOR CRIPPEN said that if the committee had some nonsubstantive amendments it would like to make, this was the time to get them resolved.

CHAIRMAN MESAROS agreed and asked for a motion.

Motion/Vote:

SENATOR PIPINICH MOVED AMENDMENTS 19501, 19502 and 19503. THE COMMITTEE UNANIMOUSLY APPROVED THE MOTION.

SENATOR CRIPPEN remarked that he would like to hear from some of the people who would be affected by amendment No. 19504.

PAGE DRINGMAN, Sweetgrass Preservation Association, asked permission to address the committee.

SENATOR CRIPPEN commented that Ms. Dringman had seen amendment No. 19504 that could raise the number of landowner sponsored licenses to 20 and then phase that number back to 10. He said he had a copy of her proposed amendment, and it was different. He asked if she would accept No. 19504.

MS. DRINGMAN said she thought the phase-in was better than doing nothing, but the people in Sweetgrass County wouldn't be in favor of it. She thought it was difficult to say what would happen in four years when the moratorium expired, and wondered what would happen if it were continued.

Ms. Dringman suggested: (1) eliminating the cap on landowner sponsored licenses entirely, since landowner sponsors were not included in the agreement. The economic loss to those people could be substantial. She suggested putting a landowner sponsor on the council.

(2) As another option, she suggested giving landowner sponsors a six-months grace period in which to become an outfitter and moving the effective date back to October 1.

(3) She also suggested limiting to 10 those who had historically submitted 10 or fewer licenses and limiting others to 25, based on the last three years of data.

SENATOR HERTEL said he strongly disagreed with the statement that landowner sponsors were not included in the process. The son of a council member was a landowner sponsor.

SENATOR PIPINICH remarked that the bill had been working its way through the process for two months, and asked Ms. Dringman why she didn't come in with any amendments or oppose it actively when it went through the House. Ms. Dringman responded that she didn't think putting her suggestions in late should preclude them.

SENATOR PIPINICH commented that it was hard to amend the bill at this stage and send it back and forth between houses.

SENATOR JACOBSON commented that the number of people concerned about the problem only represented 6% of those involved. She understood that they weren't organized and probably didn't realize what it would do to them. If the landowner sponsored licenses represented part of the way these people made their living, she thought the committee should consider how they were being affected.

SENATOR KLAMPE asked who was on the council, the landowner sponsor or his son.

SENATOR HERTEL replied that the son of one of the council members owns land and uses landowner sponsored permits. The person who sat on the committee was also part owner of that particular land. The council mailed three different drafts of the bill throughout the state for review.

SENATOR CRISMORE asked if it would be acceptable if the committee saved the limit of 10 and capped the total number at 2000. He asked if a person would have to overbook if he wanted to be sure of getting his 10 licenses because the applications go into a drawing.

REPRESENTATIVE SWANSON replied that the first year these licenses were issued they were undersubscribed, but that was the only time. She acknowledged that the applications do go into a drawing now. The success rate in 1994 was 69%; that rate would go to 87% with the limit of 10, and each landowner sponsor would probably get 9.

SENATOR CRISMORE asked if the council were guaranteeing 10 licenses to each landowner sponsor and REPRESENTATIVE SWANSON said no.

SENATOR KLAMPE asked what would happen if the committee chose Ms. Dringman's third suggestion. REPRESENTATIVE SWANSON replied that she didn't know, but 84 people tried to sponsor people last year and couldn't get any licenses. Sensitivity to the landowner sponsored permit went beyond that associated with nonresident hunters. Licensed outfitters are not fond of them because they're unlicensed. There is also concern because a few people are outfitting illegally. Some landowners just let people come and camp on their land; others feed and house them. She did not feel the purpose of the landowner sponsored license was to benefit an unlicensed business on private land. She said the issue was more complex than it appeared on the surface.

SENATOR MIKE SPRAGUE, SD #6, BILLINGS, asked why the landowner sponsors hadn't just become outfitters.

MS. DRINGMAN said they didn't need to become outfitters if they hunted on their own land. That has been the law. Some of those people, however, would be willing to become outfitters.

SENATOR SPRAGUE suggested the landowner sponsors treat their outfitting trade like a business. MS. DRINGMAN replied that her family did run the outfitting trade as a business - they feed, house and accompany them on their hunts. The family also carries insurance. At the present time they don't charge Montana residents.

SENATOR SPRAGUE asked why the Dringmans hadn't gotten an outfitter's license. Ms. Dringman said her family would have been outfitters if the exemption hadn't been in the law.

SENATOR SPRAGUE asked if a landowner sponsor had time to become a licensed outfitter if he wished. REPRESENTATIVE SWANSON said the provisions in the bill referred to the applications being processed when the bill was signed by the Governor. The moratorium on outfitter licenses did not say no more would be issued. It said the net number would stay in place.

In response to SENATOR SPRAGUE'S question to Ms. Dringman, REPRESENTATIVE SWANSON commented that the law reads, "supplemental to their primary use of the land which is agriculture."

SENATOR SPRAGUE asked Mr. Graham what the process was to receive an outfitter's license. Mr. Graham said he didn't know.

BUD SOLMONSSON, Executive Director of the Board of Outfitters, told SENATOR SPRAGUE the requirements include three years of experience, First Aid or CPR, and an approved operations plan.

SENATOR SPRAGUE asked if it could be done in time. Mr. Solmonsson said the bill would go into effect with signature of the Governor. The application would have to be in at the present time, however.

Mr. Solmonsson said many of the complaints received by the Board of Outfitters were about landowner sponsors. These complaints came from people who did not realize the Board of Outfitters could not help them because the landowner sponsors were not licensed. He said the board had about 150 outfitter license applications on hand.

{Tape: 1; Side: B}

SENATOR JACOBSON commented that landowners didn't set up this program, the legislature did. It was established to develop a better relationship with landowners. The legislature created the problem and people tend to stretch a law to its limits. She thought landowners should not be blamed for a law passed by the legislature. She said she would like to see something done to help the landowner sponsors back down from a situation created by the legislature in the first place.

CHAIRMAN MESAROS commented that he didn't want to rush the decision on HB 195. He said it had been a good discussion, and asked if the committee wanted more input.

SENATOR HERTEL said he had been presented with another idea for an amendment, but it wasn't in written form. He thought the committee might want to consider it later.

CHAIRMAN MESAROS stated that he didn't want to delay the bill for a number of amendments, as the chief area of concern was the landowner sponsorship. He just wanted the committee to be comfortable with the bill.

SENATOR CRIPPEN asked how many committee members would like to pass the bill out in its present form. Receiving no response, he suggested working out a compromise.

SENATOR CRISMORE asked Jean Johnson if the 100 licenses given up by the outfitters went back into the pool for the drawing.

JEAN JOHNSON, Executive Director, Montana Outfitters & Guides Association (MOGA) said the bill sponsor had stated that 100 elk licenses would be taken from the outfitter set aside and 600 deer licenses would be added to the total deer licenses available. The outfitter set aside would receive 300 of those licenses.

SENATOR CRISMORE commented that he felt strongly about taking 100 B-10 licenses away from outfitters because it represented a substantial economic loss. Also, guided nonresidents would be charged more to hunt to create a pool of money to open up more public hunting. He thought licenses could cost as much as \$640 and that would affect the market for licenses. He believed it would be unfair to outfitters.

SENATOR JACOBSON asked if SENATOR CRISMORE would want to move the other amendment that did not seem to be controversial.

SENATOR CRISMORE MOVED TO AMEND THE BILL BY ADDING THE WORD "OUTFITTER" FOLLOWING "LANDOWNER" ON PAGE 8, LINE 18. ALL VOTED AYE BUT SENATOR PIPINICH WHO VOTED NAY AND THE MOTION CARRIED.

JEAN JOHNSON stated that the whole process had been a give-and-take situation. The issue was 300 deer licenses in exchange for 100 elk licenses. To move forward, a consensus had to be reached. It was never mentioned that the outfitting industry gave up other things, too - in HB 196 outfitters gave up the ability to grow horizontally. They also gave up the opportunity to get some repeat customers who would not be able to afford the higher priced licenses.

SENATOR PIPINICH commented that Ms. Johnson knew the limits were in the bill and she had agreed throughout the process in the House. Ms. Johnson said she hadn't. The outfitter representative on the council had agreed but MOGA had not. She had tried to amend the bill in the House.

CHAIRMAN MESAROS stated that there were still some concerns on other issues and executive action on the bill would be delayed until the next meeting.

SENATOR KLAMPE commented that there was a moratorium on outfitter licenses in HB 195 and in HB 196 there was a limit on horizontal expansion of outfitters. The moratorium in 195 did not limit them horizontally. He thought the committee should put a limit on horizontal growth into HB 195 for coordination purposes.

REPRESENTATIVE SWANSON said HB 196 went out of the committee unanimously. She was sure it would pass. Within 195, there were two limits: the four-year moratorium and the variably priced license.

SENATOR KLAMPE remarked that he didn't think that was the way laws should be made. He didn't think the committee should assume a companion bill would pass. The variably priced license might be a limit, but it might not. He preferred to see a limit put into HB 195.

SENATOR HERTEL commented that a concern was expressed at the initial hearing regarding funding. People were concerned that not enough emphasis was placed on resident hunting licenses. If more funds were required, they thought the area of resident hunting licenses should be considered. Most of the funding for this program would come from nonresidents. He suggested an amendment to strike lines 28 and 29 on page 8 and insert, "Such funding must be provided by an increase in resident hunting license fees, or a redistribution of existing resident hunting license fees." This suggestion came from the Montana Stockgrowers.

REPRESENTATIVE SWANSON replied that the Stockgrowers wanted to be sure residents would pay their fair share. The variable license was expected to fund phase 1, and the council wanted the resident landowners to be the next phase of the funding. When more money was required, legislative or Fish, Wildlife & Parks Commission action could redistribute funding. She asked the committee to do what was appropriate at the present time and not commit to future actions.

SENATOR CRIPPEN said he wondered how many Montana people would take advantage of components of HB 195, and he had a problem with increasing fees.

SENATOR HERTEL commented that he had attended the Stockgrowers convention in December and found there was strong consensus that resident hunters were getting benefits from this bill (access) and not paying their fair share.

JOHN BLOOMQUIST, Montana Stockgrowers Association, told the committee the amendment offered by his organization was designed to increase resident fees only up to \$1. That suggestion had not been included in the bill. Landowners wanted to see a commitment from residents. He didn't know how successful the program would be, and didn't want it overfunded. He said he thought the resident sportsman would be the primary beneficiary of increased access.

Mr. Bloomquist also stated that if the program proved to be as successful as Block Management, there would be a potential for future funding. The funding from resident sportsmen could come

from either increased fees or redistribution of current fees. The Stockgrowers wanted to see an actual amount mentioned.

SENATOR HERTEL said he was sure REPRESENTATIVE SWANSON would agree. The council had discussed that subject at length. Mr. Graham had come up with a sensible reason for omitting the additional fees, - they simply were not needed at the present time.

SENATOR SPRAGUE said he didn't see any reason to change the bill.

CHAIRMAN MESAROS stated that action would be taken at the next meeting when the amendments had been processed by the Legislative Council.

Continued Discussion of HB 122

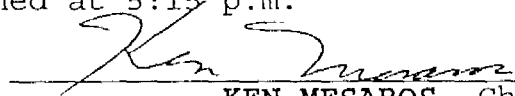
CHAIRMAN MESAROS asked Ms. Merrill if she had looked at the amendments from SENATOR GROSFIELD. She replied that she had and they were in order.

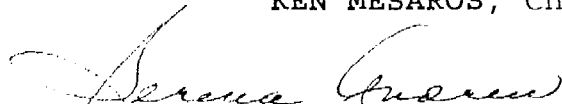
CHAIRMAN MESAROS asked the committee to review the amendments to HB 122 because they would also be acted upon at the next meeting. In addition, he asked the committee to review the letter prepared for the committee's signature on the HB 122/Dailey Lake situation and bring any suggestions to the next meeting.

{This meeting was recorded on both sides of one 60-minute tape.}

ADJOURNMENT

Adjournment: The meeting adjourned at 5:15 p.m.


KEN MESAROS, Chairman


SERENA ANDREW, Secretary

KM/sa

MONTANA SENATE
1995 LEGISLATURE
FISH AND GAME COMMITTEE

ROLL CALL

DATE _____

3/16/95

[illegible]

SEN:1995

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CS - 09

SENATE FISH AND GAME

ENACT NO. 1DATE 3/16/95BILL NO. 21 B 195

HOUSE BILL NO. 195

INTRODUCED BY SWANSON, HIBBARD, HERTEL, PIPINICH

BY REQUEST OF THE GOVERNOR

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING CERTAIN RECOMMENDATIONS OF THE GOVERNOR'S ADVISORY COUNCIL ON PRIVATE LAND/PUBLIC WILDLIFE; CREATING PROGRAMS FOR HUNTER MANAGEMENT AND HUNTING ACCESS ENHANCEMENT WITHIN THE BLOCK MANAGEMENT PROGRAM; RESTRICTING THE LIABILITY OF LANDOWNERS WHO PARTICIPATE IN THE PROGRAMS; PROVIDING A MORATORIUM ON THE ISSUANCE OF NEW LAND-BASED HUNTING OUTFITTER LICENSES; REVISING THE CLASS B-11 RESIDENT SPONSOR LIMIT BY ALLOWING THE ISSUANCE OF ONLY 10 CERTIFICATES FOR EACH SPONSOR AND PROVIDING THAT ALL DEER HUNTING UNDER THE LICENSE MUST BE CONDUCTED ON THE SPONSOR'S DEEDED LAND; REVISING REQUIREMENTS FOR LICENSEES WHO USE AN OUTFITTER-RESERVED LICENSE; ALLOWING VARIABLE PRICING OF OUTFITTER-SPONSORED CLASS B-10 AND CLASS B-11 LICENSES; AMENDING SECTIONS 87-1-201, 87-1-242, 87-2-505, 87-2-510, AND 87-2-511, MCA; AND PROVIDING EFFECTIVE DATES AND A ^{AN APPLICATION} ~~DATE~~ ^{TERMINATION DATE} DATES."

WHEREAS, Montana has a cherished hunting heritage based on a deep knowledge of and respect for wildlife and the land; and

WHEREAS, private landowners provide wildlife habitat and hunting opportunities, the hunting public provides financial and political support for sound wildlife management, and the combined efforts of landowners and the hunting public have sustained Montana's hunting and wildlife heritage; and

WHEREAS, landowner/outfitter/sportsperson relations have become increasingly strained over the past several years, leading to increased polarization between the groups; and

WHEREAS, the 1993 Legislature addressed this problem through the passage of House Joint Resolution No. 24, which requested the Governor, through the Department of Fish, Wildlife, and Parks, to coordinate a sustained, ongoing, cooperative effort to address these issues by establishing statewide, regional, and local groups to develop mutually satisfactory solutions that would preserve Montana's hunting and wildlife heritage and encourage the continuance of a viable outfitting industry; and

WHEREAS, in response to that request, the Governor appointed the Advisory Council on Private

1 Land/Public Wildlife, consisting of representatives of the affected groups, to study the issues in anticipation
2 of legislation that reflects the mutual interests of landowners, outfitters, and the sporting community; and

3 WHEREAS, after considering extensive input and advice from individual private citizens, local
4 working groups, agencies, and nonprofit organizations involved in conservation, the Advisory Council by
5 consensus developed recommendations for improving ^{hunting} access to private lands and for providing tangible
6 benefits for landowners who allow access to their lands for hunting; and

7 WHEREAS, the Advisory Council has made efforts to break new ground philosophically in designing
8 its recommendations, requiring that all interested parties be willing to accept change in order to benefit
9 everyone who has an interest in Montana's hunting and wildlife heritage; and

10 WHEREAS, the Advisory Council finds it appropriate to present the following recommendations to
11 the Legislature in the spirit of a cooperative and positive effort to enhance relations between landowners,
12 outfitters, and sportspersons.

14 STATEMENT OF INTENT

15 A statement of intent is required for this bill because [sections 1 through 3] grant rulemaking
16 authority to the department of fish, wildlife, and parks and the fish, wildlife, and parks commission to
17 implement programs for hunter management and hunting access enhancement. It is intended that in
18 addition to the statutory guidelines set out in those sections, any rules be adopted with the purpose of
19 optimizing hunting opportunity and access while minimizing administrative costs in providing benefits to
20 landowners who voluntarily participate in the programs. In addition, [section 6] grants rulemaking authority
21 to the fish, wildlife, and parks commission to implement the provisions of variable pricing for Class B-10
22 and Class B-11 outfitter-sponsored licenses. It is intended that the fish, wildlife, and parks co mmission use
23 its licensing authority to adjust the price of those licenses as necessary and that ~~the~~ ANY additional revenue
24 generated by variable pricing be used to fund the hunting access enhancement program.

26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

28 NEW SECTION. Section 1. Hunter management and hunting access enhancement programs
29 created -- private landowner assistance to promote public ^{hunting} access ^{to} rules. (1) The department may
30 establish within the block management program established by administrative rule pursuant to authority

1 contained in 87-1-301 and 87-1-303 programs of landowner assistance that encourage public access to
2 private lands for purposes of hunting and may adopt rules to carry out program purposes. Rules may
3 address but are not limited to incentives provided under:

4 (a) a hunter management program as set out in [section 2], consisting of a cooperative agreement
5 between a landowner and the department and including other resource management agencies when
6 appropriate, that allows public hunting with certain restrictions or use rules; and

7 (b) a hunting access enhancement program as set out in [section 3], consisting of incentives for
8 private landowners who allow public hunting access on their lands.

9 (2) The department may also develop similar efforts outside the scope of the block management
10 program that are designed to promote public access to private lands for hunting purposes.

11 (3) Participation in a program established under subsection (1) is voluntary. Programs may not be
12 structured in a manner that provides assistance to a private landowner who charges a fee for ^{hunting} access to
13 private land that is enrolled in the program or who does not provide reasonable public access to ^{hunting} private land
14 that is enrolled in the program. The commission shall develop criteria by which tangible benefits are
15 allocated to participating landowners, and the department may distribute the benefits to participating
16 landowners. The department may by rule limit the number of licenses that can be provided as incentives.

17
18 **NEW SECTION. Section 2. Hunter management program -- benefits for providing hunting access**
19 **-- nonresident landowner limitation -- restriction on landowner liability.** (1) As provided in [section 1], the
20 department may establish a voluntary hunter management program to provide tangible benefits to private
21 landowners enrolled in the block management program who grant access to their land for public hunting.
22 The decision to enroll a landowner in the hunter management program is the responsibility of the
23 department. Benefits may be granted as provided in this section and by rule.

24 (2) As a benefit for enrolling property in the hunter management program, a resident landowner
25 who becomes a cooperator in the program and who agrees to provide public hunting access may receive
26 one Class AAA sportsman's license, without charge, if the landowner is the owner of record. The license
27 may be used for the full hunting or fishing season in any district where it is valid. The license may not be
28 transferred by gift or sale.

29 (3) As a benefit for enrolling property in the hunter management program, a nonresident landowner
30 who becomes a cooperator in the program and who agrees to provide public hunting access may receive

1 one Class B-10 nonresident big game combination license, without charge, if the landowner is the owner
2 of record. The license may be used for the full hunting or fishing season in any district where it is valid.
3 The license may not be transferred by gift or sale. The grant of a license under this subsection also
4 qualifies the licensee to apply for a permit through the normal drawing process. The grant of a license
5 under this subsection does not affect the quota of 11,500 established under 87-2-505.

6 (4) (a) A resident landowner who is enrolled in the block management program may receive the
7 benefits provided under the hunter management program, as outlined in this section, and the benefits
8 provided under the hunting access enhancement program, as outlined in [section 3].

9 (b) A nonresident landowner who chooses to receive a license under subsection (3) may also
10 receive assistance under the block management program, but is not eligible to receive cash payments under
11 [section 3].

12 (5) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1)
13 applies to a landowner who participates in the hunter management program.

14
15 **NEW SECTION. Section 3. Hunting access enhancement program -- benefits for providing hunting**
16 **access -- cooperative agreement -- factors for determining benefits earned -- restriction on landowner**
17 **liability.** (1) As provided in [section 1], the department may establish and administer a voluntary program
18 to enhance the block management program, to be known as the hunting access enhancement program.
19 The program must be designed to provide tangible benefits to participating private landowners who grant
20 access to their land for public hunting.

21 (2) Land is not eligible for inclusion in the hunting access enhancement program if outfitting or
22 commercial hunting restricts public ~~recreation or~~ hunting opportunities.

23 (3) A contract for participation in the hunting access enhancement program is established through
24 a cooperative agreement between the landowner and the department that will guarantee reasonable access
25 for public hunting. Landowners may also form a voluntary association when development of a unified
26 cooperative agreement is advantageous. A cooperative agreement must contain a detailed description of
27 the plan developed by the landowner and the department and may include but is not limited to:

- 28 (a) hunting access management;
29 (b) services to be provided to the public;
30 (c) ranch rules and other restrictions; and

(d) any other management information to be gathered, which must be made available to the public.

(4) If the department determines that the plan referred to in subsection (3) may adversely influence game management decisions or wildlife habitat on public lands outside the block management area, then other public land agencies, interested sportspersons, and affected landowners must be consulted. An affected landowner's management goals and personal observations regarding game populations and habitat use must be considered in developing the plan.

(5) The commission shall develop rules for determining tangible benefits to be provided to a landowner for providing public access. ^{hunting} Benefits will be provided to offset potential impacts associated with public hunting access, including but not limited to those associated with GENERAL RANCH MAINTENANCE, CONSERVATION EFFORTS, weed control, fire protection, liability insurance, roads, fences, and parking area maintenance. Factors used in determining benefits may include but are not limited to:

- (a) the number of days of public hunting provided by a participating landowner;
- (b) wildlife habitat provided;
- (c) resident game populations;
- (d) number, sex, and species of animals taken; and
- (e) access provided to adjacent public lands.

(6) Benefits earned by a landowner under this section may be applied in, BUT APPLICATION IS NOT LIMITED TO, the following manner ~~or other manner allowed by rule~~:

(a) A landowner may direct weed control payments to be made directly to the county weed control board or may elect to receive payments directly.

(b) A landowner may direct fire protection payments to be made to the local fire district or the county where the landowner resides or may elect to receive payments directly.

(c) A landowner may receive direct payment to offset insurance costs incurred for allowing public ^{hunt} access.

(d) The department may provide assistance in the construction and maintenance of roads, gates, and parking facilities and in the signing of property.

(7) The commission may provide a total of not more than \$8,000 a year to a landowner who participates in the hunter management ~~and~~ PROGRAM OR hunting access enhancement ~~programs~~ PROGRAM, OR BOTH, subject to the conditions set out in [section 2(4)].

(8) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1)

1 applies to a landowner who participates in the hunting access enhancement program.

2
3 Section 4. Section 87-1-201, MCA, is amended to read:

4 "87-1-201. Powers and duties. (1) The department shall supervise all the wildlife, fish, game,
5 game and nongame birds, waterfowl, and the game and fur-bearing animals of the state and may implement
6 voluntary programs that encourage hunting access on private lands and that promote harmonious relations
7 between landowners and the hunting public. It possesses all powers necessary to fulfill the duties
8 prescribed by law and to bring actions in the proper courts of this state for the enforcement of the fish and
9 game laws and the rules adopted by the department.

10 (2) ~~It~~ The department shall enforce all the laws of the state respecting the protection, preservation,
11 and propagation of fish, game, fur-bearing animals, and game and nongame birds within the state.

12 (3) ~~It shall have~~ The department has the exclusive power to spend for the protection, preservation,
13 and propagation of fish, game, fur-bearing animals, and game and nongame birds all state funds collected
14 or acquired for that purpose, whether arising from state appropriation, licenses, fines, gifts, or otherwise.
15 Money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized
16 game or hides, from fines or damages collected for violations of the fish and game laws, or from
17 appropriations or received by the department from any other sources are appropriated to and under control
18 of the department.

19 (4) ~~It~~ The department may discharge any appointee or employee of the department for cause at
20 any time.

21 (5) ~~It~~ The department may dispose of all property owned by the state used for the protection,
22 preservation, and propagation of fish, game, fur-bearing animals, and game and nongame birds ~~which~~ that
23 is of no further value or use to the state and shall turn over the proceeds from the sale to the state
24 treasurer to be credited to the fish and game account in the state special revenue fund.

25 (6) ~~It~~ The department may not issue permits to carry firearms within this state to anyone except
26 regularly appointed officers or wardens.

27 (7) The department is ~~hereby~~ authorized to make, promulgate, and enforce ~~such~~ reasonable rules
28 and regulations not inconsistent with the provisions of chapter 2 ~~as that~~ in its judgment will accomplish the
29 purpose of chapter 2.

30 (8) The department is authorized to promulgate rules relative to tagging, possession, or

1 transportation of bear within or without the state."

2
3 Section 5. Section 87-1-242, MCA, is amended to read:

4 "87-1-242. (Temporary) Funding for wildlife habitat. (1) The amount of money specified in this
5 subsection from the sale of each hunting license or permit listed must be used exclusively by the
6 commission to secure, develop, and maintain wildlife habitat, subject to appropriation by the legislature.

7 (a) Class B-10, nonresident combination, \$77;

8 (b) Nonresident antelope, \$20;

9 (c) Nonresident moose, \$20;

10 (d) Nonresident mountain goat, \$20;

11 (e) Nonresident mountain sheep, \$20;

12 (f) Class D-1, nonresident mountain lion, \$20;

13 (g) Nonresident black bear, \$20;

14 (h) ~~Wild turkey nonresident~~ Nonresident wild turkey, \$10;

15 (i) Class AAA, sportsman's, \$7;

16 (j) Class B-11 nonresident deer combination, \$200.

17 (2) Twenty percent of any increase ~~after March 1, 1988~~, in the fee for the Class B-7 license or any
18 license or permit listed in subsection (1), except outfitter-sponsored Class B-10 and Class B-11 licenses
19 subject to variable pricing under [section 6], must be allocated for use as provided in subsection (1).

20 (3) Eighty percent of the money allocated by this section, together with the interest and income
21 ~~therefrom from the money~~, must be used to secure wildlife habitat pursuant to 87-1-209.

22 (4) ~~(a) Until March 1, 1991, 20% of the money allocated by this section must be credited to the~~
23 ~~account created by 87-1-601(5) for use in the manner prescribed therein for the development and~~
24 ~~maintenance of real property used for wildlife habitat.~~

25 ~~(b) On and after March 1, 1991, 20%~~ Twenty percent of the money allocated by this section must
26 be used as follows:

27 ~~(i)(a)~~ up to 50% a year may be used for development and maintenance of real property used for
28 wildlife habitat; and

29 ~~(ii)(b)~~ the remainder and any money not allocated for development and maintenance under
30 subsection ~~(4)(b)(i)~~ (4)(a) by the end of each odd-numbered fiscal year must be credited to the account

1 created by 87-1-601(5) for use in the manner prescribed ~~therein~~ for the development and maintenance of
2 real property used for wildlife habitat. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)"

3
4 NEW SECTION. Section 6. Variable pricing of outfitter-sponsored Class B-10 and B-11
5 licenses. The commission shall annually set fees for outfitter-sponsored Class B-10 and Class B-11 licenses
6 allowed under 87-2-505 and 87-2-510. The fees must be set at a market rate intended to sell AS CLOSE
7 TO BUT not more than an average of 5,500 Class B-10 licenses and 2,300 Class B-11 licenses each year,
8 calculated over a 5-year period. The sale period for the licenses must be established so that by the last
9 date in the established period, those licenses that are unsold, UP TO 5,500 CLASS B-10 LICENSES AND
10 2,300 CLASS B-11 LICENSES, may be reallocated by the commission for a drawing at a price set by the
11 commission.

12
13 NEW SECTION. Section 7. Report required -- REVIEW COMMITTEE. (1) THE GOVERNOR SHALL
14 APPOINT A COMMITTEE OF PERSONS INTERESTED IN THE HUNTER MANAGEMENT PROGRAM, THE
15 HUNTING ACCESS ENHANCEMENT PROGRAM, OR OTHER ISSUES RELATED TO PRIVATE LANDS AND
16 PUBLIC WILDLIFE TO REVIEW THE SUCCESS AND PROGRESS OF THE HUNTER MANAGEMENT
17 PROGRAM AND THE HUNTING ACCESS ENHANCEMENT PROGRAM. THE COMMITTEE MUST HAVE
18 EQUAL REPRESENTATION OF LANDOWNERS AND SPORTSPERSONS AND BE BROADLY
19 REPRESENTATIVE OF THE VARIOUS GEOGRAPHICAL AREAS OF THE STATE. THE DEPARTMENT MAY
20 PROVIDE ADMINISTRATIVE ASSISTANCE AS NECESSARY TO FACILITATE THE EFFORTS OF THE REVIEW
21 COMMITTEE.

22 (2) The ~~department~~ REVIEW COMMITTEE shall report to the governor and to each regular session
23 of the legislature regarding the success of the hunter management program and the hunting access
24 enhancement program, including a report of annual landowner participation and the number of acres
25 annually enrolled in the programs. The report may also include suggestions for funding, modification, or
26 improvement of the programs. IF THE REVIEW COMMITTEE DETERMINES THAT EXPANDING FUNDING
27 FOR PROGRAMS FOR HUNTER MANAGEMENT AND HUNTING ACCESS ENHANCEMENT IS DESIRABLE,
28 CONSIDERATION MUST BE GIVEN TO PROVIDING THE EXPANDED FUNDING THROUGH INCREASES IN
29 RESIDENT HUNTING LICENSE FEES.

1 Section 8. Section 87-2-505, MCA, is amended to read:

2 "87-2-505. (Temporary) Class B-10--nonresident big game combination license. Except as
3 otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12
4 years of age or older prior to September 15 of the season for which the license is issued may, upon
5 payment of the fee of ~~\$462 beginning March 1, 1992, and \$475 beginning March 1, 1994,~~ or upon
6 payment of the fee of ~~\$472 beginning March 1, 1992, and \$486 beginning March 1, 1994,~~ established as
7 provided in [section 6] if the license is one of the ~~5,600~~ licenses reserved pursuant to 87-2-511 for
8 applicants indicating their intent to use the services of a licensed outfitter and subject to the limitations
9 prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to
10 purchase a B-10 nonresident big game combination license ~~which shall entitle~~ that entitles the holder to all
11 the privileges of Class B, Class B-1, and Class B-7 licenses, and an elk tag. This license includes the
12 nonresident conservation license as prescribed in 87-2-202. Not more than ~~47,000~~ 11,500 unreserved
13 Class B-10 licenses may be sold in any ~~one~~ 1 license year. (Terminates March 1, 2006--secs. 1, 2, Ch.
14 241, L. 1993.)

15 87-2-505. (Effective March 1, 2006) Class B-10--nonresident big game combination license.

16 Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will
17 be 12 years of age or older prior to September 15 of the season for which the license is issued may, upon
18 payment of the fee of \$398 or upon payment of the fee of ~~\$408~~ established as provided in [section 6] if
19 the license is one of the ~~5,600~~ licenses reserved pursuant to 87-2-511 for applicants indicating their intent
20 to use the services of a licensed outfitter and subject to the limitations prescribed by law and department
21 regulation, apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game
22 combination license ~~which shall entitle~~ that entitles the holder to all the privileges of Class B, Class B-1, and
23 Class B-7 licenses, and an elk tag. This license includes the nonresident conservation license as prescribed
24 in 87-2-202. Not more than ~~47,000~~ 11,500 unreserved Class B-10 licenses may be sold in any ~~one~~ 1
25 license year."

26
27 Section 9. Section 87-2-510, MCA, is amended to read:

28 "87-2-510. Class B-11--nonresident deer combination license. (1) Except as otherwise provided
29 in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years of age or older
30 prior to September 15 of the season for which the license is issued may, upon payment of a fee of \$220

or upon payment of the fee of ~~\$225~~ established as provided in [section 6] if the license is one of the ~~4,000~~ those reserved pursuant to 87-2-511 for applicants indicating their intent ~~either~~ to use the services of a licensed outfitter or upon payment of the fee of \$225 if the license is one of those reserved pursuant to 87-2-511 for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles the holder to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

(2) ~~Six thousand~~ Not more than 4,300 ~~2,300~~ unreserved Class B-11 licenses ~~are authorized for sale~~ each may be sold in any 1 license year."

Section 10. Section 87-2-511, MCA, is amended to read:

"87-2-511. Sale and use of Class B-10 and Class B-11 licenses. (1) The department shall offer the Class B-10 and Class B-11 licenses for sale on March 15, with ~~6,600~~ a number of the authorized Class B-10 and Class B-11 licenses, as determined under [section 6], and 2,000 ~~Class B-11~~ licenses reserved for applicants indicating their intent to use the services of a licensed outfitter, and 2,000 of the authorized Class B-11 licenses reserved for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor, as provided in subsections (2) and (3).

(2) Each application for a reserved license under subsection (1) must contain a written affirmation that the applicant intends to hunt with a licensed outfitter or a resident sponsor and must indicate the name of the licensed outfitter or resident sponsor with whom the applicant intends to hunt. In addition, the application must be accompanied by a certificate that is signed by a licensed outfitter or resident sponsor and ~~which~~ that affirms that the outfitter or resident will:

(a) direct the applicant's hunting and advise the applicant of game and trespass laws of the state;

(b) submit to the department, in a manner prescribed by the department, complete records of who ~~hunted with him~~ the outfitter or resident sponsor where they hunted, and what game was taken; and

(c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for providing any services or assistance to the nonresident applicant, except as provided in this title.

(3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that the sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by the

① sponsor. A resident sponsor of a Class B-11 license may submit no more than ²⁰~~10~~ certificates of
 2 sponsorship in ~~any~~ license year. *years 1996 and 1997 and no more than 15 licenses*
 3 *in 1998 and 1999, and 10 each year after.*

4 (4) A nonresident who hunts under the authority of a resident landowner-sponsored license shall
 5 conduct all deer hunting on the deeded lands of the sponsoring landowner.

6 (5) Any permits or tags secured as a result of obtaining a Class B-10 or Class B-11 license through
 7 an outfitter sponsor are valid only when hunting is conducted with a licensed outfitter.

⑤ (6) The department shall make the reserved ^{outfitter-sponsored} Class B-10 and Class B-11 licenses that remain unsold
 8 on April 15 available to nonresident applicants without restriction as to hunting with a licensed outfitter or
 9 resident sponsor as provided in [section 6].

10 (6)(7) All Class B-10 and Class B-11 licenses not reserved under subsection (1) and ~~all unsold~~
 11 ~~reserved licenses available under subsection (4)~~ must be issued by a drawing among all applicants for the
 12 respective unreserved licenses."

13

14 NEW SECTION. Section 11. Moratorium on issuance of hunting outfitter licenses. (1) The
 15 legislature finds it necessary to protect the hunting resource, public health, public safety, and public
 16 welfare. Therefore, the board shall establish and regulate a ~~5-year~~ moratorium on the issuance of outfitter
 17 licenses for land-based hunting activities. An outfitter licensed on [the effective date of this section] may
 18 receive a renewal license, if qualified, but the total number of land-based hunting outfitter licenses issued
 19 after [the effective date of this section] may not exceed the number in existence on [the effective date of
 20 this section].

21 ~~(2) An affected outfitter licensed on [the effective date of this section] may attempt to sell the~~
 22 ~~outfitting business, but approval of the buyer's license is conditioned on the buyer's ability to meet the~~
 23 ~~licensing criteria. The seller's license is to be considered in inactive status until the sale is final. If the sale~~
 24 ~~is not consummated, the seller's license must be reactivated and the buyer's conditional license revoked.~~

25

26 NEW SECTION. Section 12. Codification instruction. (1) [Sections 1 through 3, 6, and 7] are
 27 intended to be codified as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87,
 28 chapter 1, part 2, apply to [sections 1 through 3, 6, and 7].

29 (2) [Section 11] is intended to be codified as an integral part of Title 37, chapter 47, and the
 30 provisions of Title 37, chapter 47, apply to [section 11].

NEW SECTION. Section 13. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 14. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

(1)
 (10) NEW SECTION. SECTION 15. COORDINATION INSTRUCTION. IF SENATE BILL NO. 211 IS PASSED AND APPROVED AND IF IT INCLUDES A SECTION REPEALING 70-16-302, THEN THE REFERENCE TO 70-16-302(1) IN [SECTIONS 2(5) AND 3(8) OF THIS ACT] IS CHANGED TO "[SECTIONS 1 THROUGH 4] OF SENATE BILL NO. 211". (2) *coordination with HB 196 ... see p. 10*

(14) → NEW SECTION 16. Applicability. *monitorium applies to new licenses filed after passage & approval.*
NEW SECTION. Section 16. ¹⁷ Effective dates. (1) [Sections 5 through 9] are effective March 1, 1996.

(2) [Sections 1 through 4, 10, and ~~46~~ ¹⁷] are effective October 1, 1995.

(3) [Sections 11 through ~~44~~ ¹⁵ and this section] are effective on passage and approval.

¹⁸
NEW SECTION. Section 17. ^{15 and 18} Termination. [This act] terminates (1) [SECTIONS 1 THROUGH 10 AND 12 THROUGH ~~46~~ ¹⁷] TERMINATE October 1, 2001.

(2) [SECTION 11] TERMINATES JUNE 30, 1999.
^{and 16}

-END-

DATE 3/16/95

SENATE COMMITTEE ON Fish & Game

BILLS BEING HEARD TODAY: _____

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
<i>William C. Baucus</i>	<i>PL/PW Advisory Council</i>	<i>195</i>	<i>X</i>	
<i>Glenn R. Johnson</i>	<i>MT Outfitters 96</i>	<i>195</i>	<i>X</i>	
<i>Glenn R. Johnson</i>	<i>MT Outfitters 96</i>	<i>196</i>	<i>X</i>	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

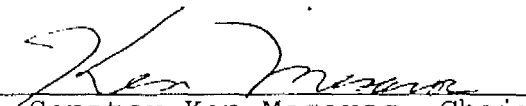
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 17, 1995

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration HB 196 (third reading copy -- blue), respectfully report that HB 196 be concurred in.

Signed: _____


Senator Ken Mesaros, Chair

 Amd. Coord.

SA Sec. of Senate

SEN. Hertel
Senator Carrying Bill

621116SC.SRF

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By CHAIRMAN KEN MESAROS, on March 21, 1995, at
3:00 p.m.

ROLL CALL

Members Present:

Sen. Kenneth "Ken" Mesaros, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Bruce D. Crippen (R)
Sen. William S. Crismore (R)
Sen. John R. Hertel (R)
Sen. Ken Miller (R)
Sen. Mike Sprague (R)
Sen. Judy H. Jacobson (D)
Sen. Terry Klampe (D)
Sen. Bob Pipinich (D)

Members Excused: Senator Forrester

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council
Serena Andrew, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 422, SJR 20
Executive Action: HB 195, SB 422, SJR 20

{Tape: 1; Side: A}

EXECUTIVE ACTION ON HB 195

Motion:

SENATOR JOHN HERTEL, SD #47, MOORE, MOVED AMENDMENT 19504
(EXHIBIT #1).

Discussion:

SENATOR HERTEL said the amendment was a compromise worked out by REPRESENTATIVE SWANSON and Page Dringman from Big Timber. It would allow landowners to get up to 20 permits until the moratorium is removed June 30, 1999. At that time they could apply for an outfitter's license and the permits would be reduced back to 10.

SENATOR HERTEL said he felt the amendment would help people to make an adjustment and give them an opportunity to get an outfitter's license. This amendment would bring the bill back to its original intent, and he thought the council would be in favor of it.

SENATOR BOB PIPINICH, SD #29, MISSOULA, asked REPRESENTATIVE SWANSON if she agreed.

REPRESENTATIVE EMILY SWANSON, HD #30, BOZEMAN, said she had met with Ms. Dringman and felt good about the compromise. It was a way to recognize the people who have a business on their own land and it would give them time to plan ahead. She reminded the committee that the amendment stated, "...prior to expiration of the moratorium...."

Vote:

THE MOTION TO APPROVE AMENDMENT NO. 19504 TO HB 195 CARRIED BY UNANIMOUS VOTE OF THE COMMITTEE.

SENATOR TERRY KLAMPE, SD #31, FLORENCE, commented that the moratorium idea was fine, but it assumed that HB 196 would pass. With the passage of HB 196, outfitters would give up the ability to branch out. Amendment 19505 (EXHIBIT #1A) would insert that provision into HB 195.

Motion:

SENATOR KLAMPE MOVED AMENDMENT NO. 19505.

SENATOR PIPINICH commented to SENATOR KLAMPE that this was the same discussion the committee had heard before. Much of the language in the amendment was already in HB 196 and he didn't think the amendment was needed.

SENATOR HERTEL remarked that he thought the subject was adequately covered. He thought the amendment cluttered up the bill and was unnecessary.

SENATOR MIKE SPRAGUE, SD #6, BILLINGS, asked SENATOR KLAMPE if he thought it would be worthwhile to attach the amendment, knowing the bill would go back to the House where more amendments might be made. He asked if SENATOR KLAMPE thought it was worth jeopardizing the bill.

SENATOR KLAMPE said he did.

SENATOR WILLIAM CRISMORE, SD #41, LIBBY, said he had heard people say outfitters hadn't given up anything, and asked why SENATOR KLAMPE thought they should give up something.

SENATOR KLAMPE said the council must have felt they should, because it was included in HB 196. No one could be sure 196 would pass and he wanted it to be done right.

SENATOR BRUCE CRIPPEN, SD #10, BILLINGS, commented that new Section 11 was intended to be codified in Title 37, Chapter 47, and asked if it would be necessary to expand the title of the bill.

ANDREA MERRILL, Legislative Council Staff, said there was something to do with outfitters in the bill (the moratorium). The question usually was whether or not the people who were likely to come for hearings would know what was in the bill. She thought that technically speaking it was all right, but it was a question that really couldn't be answered. She wasn't sure whether or not people would feel they didn't have an opportunity to comment.

SENATOR AL BISHOP, SD #9, BILLINGS, remarked that he didn't think it mattered.

SENATOR SPRAGUE commented that he thought SENATOR KLAMPE had voted yes on the bill as it was written.

SENATOR KLAMPE said the best argument he had heard was that the bill might be drastically amended in the House. He wanted to know if the bill would be destroyed if it went back to the House.

REPRESENTATIVE SWANSON said she resisted the amendment. She had more confidence in the Senate passing HB 195. Also, the provision about lateral expansion of outfitting was fairly controversial. She would prefer not to have to deal with it.

CHAIRMAN KEN MESAROS, SD #25, CASCADE, mentioned that the committee had not voted on HB 195.

SENATOR CRIPPEN commented that if SENATOR KLAMPE were correct and the Senate voted down HB 196, then it would be appropriate to put this amendment into the bill on the floor.

REPRESENTATIVE SWANSON stated that if HB 196 did go down, more than one part of it should be examined. The bill covers the authority of outfitters to operate, and she wasn't sure that could be incorporated into HB 195 if HB 196 were voted down.

SENATOR CRIPPEN said he didn't think it would be possible to put HB 196 into HB 195. He suggested that the floor would be the appropriate place to make substantive changes.

Vote:

THE MOTION TO APPROVE AMENDMENT NO. 19505 FAILED BY AN EIGHT TO TWO VOTE OF THE COMMITTEE.

Motion:

SENATOR PIPINICH MOVED HB 195 BE CONCURRED IN AS AMENDED.

Vote:

SENATOR KLAMPE AND SENATOR FORRESTER VOTED NAY; ALL OTHER COMMITTEE MEMBERS VOTED AYE AND THE MOTION TO CONCUR IN HB 195 AS AMENDED CARRIED.

HEARING ON SJR 20

CHAIRMAN MESAROS RELINQUISHED THE CHAIR TO VICE CHAIRMAN BISHOP FOR PRESENTATION OF SJR 20.

Opening Statement by Sponsor:

SENATOR MESAROS told the committee a Montana resident had recently won the Iditarod dog sled race in Alaska. Doug Swingley was the first person from the lower United States to win that race and he did it in record time. Vic and Elmer were his lead dogs. He felt Mr. Swingley and his team should be recognized by the Fifth-Fourth Session of the Montana Legislature.

Proponents' Testimony:

None

Opponents' Testimony:

None

Closing by Sponsor:

SENATOR MESAROS commented that he hoped the resolution would be supported.

EXECUTIVE ACTION ON SJR 20

Motion:

SENATOR CRIPPEN MOVED SJR 20 DO PASS.

Vote:

THE COMMITTEE VOTED UNANIMOUSLY THAT SJR 20 DO PASS.

MONTANA SENATE
1995 LEGISLATURE
FISH AND GAME COMMITTEE
ROLL CALL VOTE

DATE 3/21/95 BILL NO. 195 NUMBER _____

MOTION: Amend 19505

NAME	AYE	NO
BRUCE CRIPPEN		X
WILLIAM CRISMORE		X
GARY FORRESTER		
JOHN HERTEL		X
JUDY JACOBSON		X
TERRY KLAMPE	X	
KEN MILLER		X
BOB PIPINICH		X
MIKE SPRAGUE		X
AL BISHOP, VICE CHAIRMAN	X	
KEN MESAROS, CHAIRMAN		X

Amendments to House Bill No. 195
Third Reading CopyRequested by Rep. Swanson
For the Committee on Fish & GamePrepared by Doug Sternberg
March 16, 1995

1. Page 11, line 1.

Following: "than"Strike: "10"

Insert: "20"

2. Page 11, line 2.

Following: "year"Insert: "prior to expiration of the moratorium established in
[section 11], after which no more than 10 certificates of
sponsorship may be submitted in any license year"

Amendments to House Bill No. 195
Third Reading Copy

SENATE FISH AND GAME
EXHIBIT NO. 1 A
DATE 3/21/95
BILL NO. HB 195

Requested by Sen. Klampe
For the Committee on Fish & Game

Prepared by Doug Sternberg
March 17, 1995

1. Title, line 14.

Following: "LICENSE;"

Insert: "REVISING CERTAIN POWERS AND DUTIES OF THE BOARD OF
OUTFITTERS"

Following: "SECTIONS"

Insert: "37-47-201,"

2. Page 11, line 13.

Insert: "Section 10. Section 37-47-201, MCA, is amended to read:

"37-47-201. Powers and duties of board relating to
outfitters, guides, and professional guides. The board shall:

(1) prepare and publish an information pamphlet ~~which that~~
contains the names and addresses of all licensed outfitters.
This pamphlet must be available for free distribution as early as
possible during each calendar year but not later than the second
Friday in March. The pamphlet shall must contain the names and
addresses of only those outfitters who have a valid license for
the current license year.

(2) cooperate with the federal government in matters of
mutual concern regarding the business of outfitting and guiding
in Montana;

(3) enforce the provisions of this chapter and rules
adopted pursuant to this chapter;

(4) establish outfitter standards, ~~and professional guide~~
standards, and professional guide standards;

(5) adopt:

(a) rules of procedure;

(b) rules to administer and enforce this chapter, including
~~but not limited to~~ rules prescribing all requisite qualifications
for licensure as an outfitter, guide, or professional guide.
~~These qualifications~~ Qualifications for outfitters must include
training, ~~testing~~, experience in activities similar to the
service to be provided, knowledge of rules of governmental bodies
pertaining to outfitting, and condition and type of gear and
equipment, and the filing of an operations plan.

(c) any reasonable rules, not in conflict with this
chapter, necessary for safeguarding the public health, safety,
and welfare ~~of those persons using the services of outfitters and~~
~~for the protection of landowners, the general public, and~~
~~outfitters' employees, agents, and representatives,~~ including
evidence of qualification and licensure under this chapter for
any person practicing or offering to practice as an outfitter,
guide, or professional guide;

(d) rules specifying standards for review and approval of
proposed new operations plans involving hunting use or the
proposed expansion of net client hunting use under an outfitter's

existing operations plan in order to determine if the proposal will cause an undue conflict with existing hunting use of the area, constituting a threat to the public health, safety, or welfare. The board may not approve a new operations plan or the proposed expansion of net client hunting use under the existing operations plan if it finds that the proposal will cause an undue conflict with existing hunting use of the area. Approval is not required when part or all of an existing operations plan is transferred from one licensed outfitter to another licensed outfitter. Rules adopted pursuant to this section must provide for solicitation and consideration of comments from hunters and sportspersons in the area to be affected by the proposal who do not make use of outfitter services.

(6) hold hearings and proceedings to suspend or revoke licenses of outfitters, ~~and professional guides, and professional guides~~ for due cause."

Renumber: subsequent sections

3. Page 11, lines 29 and 30.

Strike: "11"

Insert: "12"

4. Page 12, line 17.

Strike: "17"

Insert: "18"

5. Page 12, line 18.

Strike: "15"

Insert: "16"

6. Page 12, line 21.

Strike: "12"

Insert: "13"

Strike: "17"

Insert: "18"

7. Page 12, line 22.

Strike: "SECTION"

Insert: "Sections"

Following: "11"

Insert: "and 12"

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
March 22, 1995

MR. PRESIDENT:

We, your committee on Fish and Game having had under consideration HB 195 (third reading copy -- blue), respectfully report that HB 195 be amended as follows and as so amended be concurred in.

Signed: 
Senator Ken Mesaros, Chair

That such amendments read:

1. Title, line 15.
Following: "DATES"
Insert: ", AN APPLICABILITY DATE,"
2. Page 2, line 5.
Following: "improving"
Insert: "hunting"
3. Page 2, line 29.
Following: "public"
Insert: "hunting"
4. Page 3, line 12.
Following: "for"
Insert: "hunting"
5. Page 3, line 13.
Following: "public"
Insert: "hunting"
6. Page 4, line 22.
Following: "public"
Strike: "recreation or"
7. Page 5, lines 8 and 23.
Following: "public"
Insert: "hunting"
8. Page 8, line 18.
Following: "LANDOWNERS"
Insert: ", outfitters,"
9. Page 11, line 1.
Following: "than"
Strike: "10"
Insert: "20"

 Amd. Coord.

SA Sec. of Senate

SEN. Hertel
Senator Carrying Bill

661046SC.SPV

10. Page 11, line 2.

Following: "year"

Insert: "prior to expiration of the moratorium established in [section 11], after which no more than 10 certificates of sponsorship may be submitted in any license year".

11. Page 11, line 7.

Following: "reserved"

Insert: "outfitter-sponsored"

12. Page 12, line 10.

Strike: "INSTRUCTION"

Insert: "instructions"

Following: third "."

Insert: "(1)"

13. Page 12, line 14.

Insert: "(2) If House Bill No. 196 is passed and approved and if it includes a section amending 87-2-511 to revise the process for submission of records by licensed outfitters, then the added language in 87-2-511(2)(b) in this bill is changed to "the resident sponsor"."

"NEW SECTION. Section 16. Applicability. The moratorium on the issuance of outfitter licenses in [section 11] applies only to applications for new licenses filed on or after [the effective date of this section]."

Renumber: subsequent sections.

14. Page 12, line 17.

Strike: "17"

Insert: "18"

15. Page 12, line 18.

Strike: "15"

Insert: "16"

16. Page 12, line 21.

Strike: "AND" through "17"

-END-